

P R E F A C E .

THIS Manual forms the 3rd edition of the Standing Orders of the Forest Department the revision of which was undertaken according to Government Order No. 13277, dated 5th November 1917, and is designated as Volume II of the Bombay Forest Manual, Volume I of which was published in 1921. Orders regarding establishments, annual reports and correspondence previously found in the Standing Orders have been transferred to Volume I. Rules and orders on the other subjects contained in the Standing Orders together with a great many necessary details which were wanting in that book have been given here as revised and brought up to date.

2. The previous arrangement of Chapters and Sections has been revised and recast. The Forest Act previously printed with the Forest Department Code, VI edition, has been given in Part I to make the book complete. Part II contains the rules and orders passed by Government under the Forest Act and other supplementary executive orders affecting the public arranged according to Sections of the Act. Such of the orders of Government or opinions of Law officers which are in the nature of commentaries on, and certain High Court Rulings under the Forest Act and Rules have been incorporated in both the Parts in different type under the Sections or rules concerned.

3. Parts III to V deal respectively with forest policy and classification, constitution and management and working, while Part VI contains certain miscellaneous orders which do not find a place in the other Parts. Part VII is a schedule of powers of forest officers and of officers of other departments with respect to forests, under the Forest Act and Rules thereunder, Civil Account Code, Civil Service Regulations and Forest Manual, Volumes I and II.

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The Bombay Forest Manual

VOLUME II.

PART I.

Indian Forest Act, 1878 (VII of 1878).¹

[8th March 1878.]

An Act to amend the law relating to forests, the transit of forest-produce and the duty leviable on timber.

[As modified up to the 31st December 1920]

WHEREAS it is expedient to amend the law Preamble.
relating to forests, the transit of forest-produce
and the duty leviable on timber; It is hereby enacted as follows:—

Construction.—The Forest Act, 1878, is one curtailing proprietary rights of individuals and so the Act and notifications under it must be construed strictly where rights of individuals are trenchd upon. (Chatar Singh, 2 Punj. L. R 178.)

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Indian Forest Short
Act, 1878. title.

It shall come into force at once in the territories respectively administered by the Governor of Bombay in Council, the Lieutenant-Governors of the Lower Provinces, the North-Western Provinces, and the Punjab (except the district of Commence-
ment.

¹ For Statement of Objects and Reasons, see *Gazette of India*, 1877, Pt V, p. 11, for the first Report of the Select Committee, see *ibid*, Pt. V, p. 400; for Proceedings in Council, see *ibid*, Supplement, pp. 86, 121, 274, and *ibid*, 1878, pp. 326 and 437.

Hazara), and the Chief Commissioners of Oudh, the Central Provinces and Assam.

Extension

And any other Local Government may from time to time, with the previous sanction of the Governor General in Council, extend, by notification in the local official Gazette, this Act to all or any of the territories for the time being under its administration.

Repeal of enactments

On and from the date on which this Act comes into force in any of the said territories, the enactments mentioned in the schedule hereto annexed shall be repealed in such territories. But all rules made under or validated by any of the said enactments and in force at the date of such repeal shall, so far as they are consistent with this Act, be deemed to have been made and published hereunder.

Interpretation clause

2. In this Act, unless there be something repugnant in the subject or context,—

“Forest-officer” means any person whom the Governor General in Council or the Local Government or any officer empowered by the Governor General in Council or the Local Government in this behalf, may from time to time appoint by name, or as holding an office, to carry out all or any of the purposes of this Act, or to do anything required by this Act or any rule made under this Act to be done by a Forest Officer.

Norr —For notifications appointing certain officers to be Forest officers under this Act and investing them with powers under the different sections, see articles 85 to 101, Part II

1 “tree” includes palms, bamboos, stumps, brushwood and canes :

2 “timber” includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not :

¹ This definition of “tree” was substituted for the original by the Forest Act, 1890 (V of 1890), s 2 (1). The original clause only referred to bamboos, stumps and brushwood

² This definition of “timber” was substituted for the original definition by the Forest Act, 1890 (V of 1890), s 2 (2). For Act V, see General Acts, Vol. IV, Ed. 1900.

1 "forest-produce" includes—

(a) the following, whether found in, or brought from, a forest or not, that is to say :—
timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers,² mahua seeds, and myrabolams, and

(b) the following when found in, or brought from, a forest, that is to say :—

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned of trees,

(ii) plants not being trees (including grass, creepers, reeds, and moss), and all parts or produce of such plants,

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and . . .

(iv) peat, surface soil, rock and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries) :

(1) Stones and bricks from ruins situated in Reserved forests.—What constitutes "forest-produce" is clearly laid down in the definition of that term as given in paragraph 2 of the Indian Forest Act. Loose stones and the ruins of old buildings whether composed of cut stone or bricks clearly do not come within the category of articles included in the definition of forest-produce. (G. R. No. 1802, dated 28th March 1881.)

(2) Crops grown on cleared land in forest.—A person cleared and cultivated a piece of land situated in a forest reserve. He was convicted and punished under section 25 of the Forest Act. The crop, too, raised on the land was cut and attached. The question was raised whether the crop came within the definition of forest-produce as given in section 2 so as to allow of its disposal under section 55. The following opinion (No. 1060, dated 9th August 1884) was recorded by the Remembrancer of Legal Affairs :—

¹ This definition of "forest-produce" was substituted for the original definition by the Forest Act, 1890 (V of 1890), s. 2 (3). For Act V, see General Acts, Vol. IV, Ed 1909.

² The words "mahua seeds" were inserted by Act XV of 1911.

"The definition of the term 'forest-produce' given in the Forest Act is not exhaustive, and reading the term in its ordinary sense it means any thing which is produced in a forest, and it, therefore, includes, in my opinion, a crop raised in a forest reserve. (See clause (b) (i) of the present definition of forest produce)

"I agree with the Collector that in the case he mentions the crop is the property of Government by accession, and, therefore, under section 55 of the Act, may be taken charge of by a Forest Officer" (Government Resolution No 6910, dated 28th August 1881)

(3) Bamboos are always "forest-produce".—Upon the question whether bamboos removed from the jungles of a Khoti village should be held to be "forest-produce" so as to require, in transit, a pass from the Forest Department, the following opinion was recorded by the Legal Remembrancer :—

The words "and bamboos" were omitted in the amended definition of "timber" in section 2 (2) of Act V of 1890, merely because they were redundant, since the term "trees" by definition already includes "bamboos", and not because "bamboos" were intended not to be included in the term "timber" but to be treated as "trees" under clause (b) of section 2 (3) of the said Act.

It would follow that bamboos "when they have fallen or have been felled" would (equally with other "trees") become "timber" for the purposes of the Forest Act, and as such they would come within the class of "forest-produce" mentioned in clause (a) of the amended definition of "forest-produce" (section 2 (3) of Act V of 1890) In other words, bamboos, when fallen or felled, become forest-produce (as timber), whether they were grown in a forest or outside a forest

One of the main objects of amending the Indian Forest Act, 1878, was to give to Government the control of all "timber", whether grown in a forest or not

On reconsideration therefore of the question and in modification of my previous report, I beg to concur in the conclusion that the Forest Officers' interpretation of the law in this case is correct, and that they were justified in requiring a Government pass for the removal of the bamboos, etc, cut on the *malik* land referred to in the present correspondence (Government Resolution No 2008, dated 19th March 1898)

(4) Private timber.—Read note (6) under section 25.

"forest-offence" means an offence punishable under this Act, or under any rule made under this Act:

¹ "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats, and kids:

"river" includes streams, canals, creeks and other channels; natural or artificial.

CHAPTER II.

OF RESERVED FORESTS.²

3. The Local Government may, from time to time, constitute any forest land or waste land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided. Power to reserve forests

(1) **Forest Land and Waste Land.**—Memorandum by Legal Remembrancer:—The land which section 3 of the Forest Act empowers Government to constitute a "reserved forest" is precisely the same as the land which under section 28 of the Act may be constituted a "protected forest", viz., "forest land or waste land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled."

Land which has been given out for cultivation, is certainly not "waste land". "Forest land" is not defined in the Act, and it is a term not easy of definition, but land which has been given out for agricultural purposes on the ordinary survey tenure, or land which the holder thereof has in any way acquired a right to hold for survey purposes on such a tenure, cannot, I think, properly be called "forest land", even

¹ See similar definition in Cattle Trespass Act, 1871 (I of 1871), General Acts, Vol II.

² As to the application of provisions relating to reserved forests (1) to village forests, see s. 27, last paragraph, (2) to forests, and lands not the property of the Government, see ss 36, 38; (3) to forests, waste lands or produce the joint property of the Government and other persons, see s. 70 *infra*.

Officer has the power to inquire into and determine as to rights of way or pasture, forest-produce or water courses, and he may admit or reject such claims with finality, because he is dealing with land in respect of which he has a duly delegated jurisdiction. It is possible there may be other rights in or over land which may render it desirable for Government to acquire full ownership, and for such cases section 10 of the Indian Forest Act provides, without, however, extending the application of the section to any land incapable of constitution as reserved forest. The provisions of the Indian Forest Act do not bar the jurisdiction of the Court to decide whether the land in suit is or is not forest or waste land and whether, if it be not such land, the plaintiffs are entitled to the occupation thereof. (*Balwant Ramchandra v. Secretary of State* (1905)—I. L. R. 29 Bombay 480.)

(3) See notes (1) and (2) under section 35.

4. Whenever it is proposed to constitute any land a reserved forest, the Local Government may publish a notification in the local official Gazette—

Notification by Local Government

(a) declaring that it is proposed to constitute such land a reserved forest;

¹(b) specifying, as nearly as possible, the situation and limits of such land; and

(c) appointing an officer (hereinafter called "the Forest-settlement-officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits, or in or over any forest-produce, and to deal with the same as provided in this Chapter.

Explanation.—For the purpose of clause (b) of this section, it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

The officer appointed under clause (c) of this section shall ordinarily be a person not holding any forest office except that of Forest-settlement-officer.

¹ This clause was substituted for the original cl. (b) by the Forest Act, 1890 (V of 1890), s. 3. General Acts, Vol. IV. The original clause ran as follows :—“(b) specifying the limits of such forest; and”

Nothing in this section shall prevent the Local Government from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest office except as aforesaid, to perform the duties of a Forest-settlement-officer under this Act.

(1) Meaning of the words "any land".—Chapter II relates to forest land or waste land described in section 3 and to no other land

Section 3 specifies what land it shall be lawful for the Government to constitute reserved forest; namely, forest and waste land belonging to Government. The words "any land" in section 4 cannot include any other land than what it is lawful for the Government to constitute a reserved forest. The Government cannot notify cultivated lands, whether alienated or unalienated, as forest reserves, except by first acquiring all the rights of ownership and converting them into waste lands. The object of section 10 is to meet the case of any claim that may possibly be made of private ownership in or over such forest land or waste land or any portion thereof as is notified under section 4, and to empower the Forest Settlement Officer to exclude such land from the proposed forest or obtain a surrender of it from the claimant or acquire it under the Land Acquisition Act, 1870.

With regard to any land other than forest land or waste land belonging to Government, if required for the purposes of the Forest Act, 1878, section 83 provides that it can be treated as required for a public purpose and dealt with under the Land Acquisition Act, 1870.^{*} When such land has been so acquired, it becomes, with all rights in or over the same, public property, subject always to the right of way and all other rights of the public or of individuals legally subsisting. If Government does not dispose of it in any other way or for any other purpose, it becomes waste land belonging to Government, and may be constituted a reserved forest in the manner provided in Chapter II of the Forest Act (Government Resolution No 3112, dated 31st May 1881)

Read note (2) under section 3

(2) Divisional Forest Officer as Forest Settlement Officer.—It seems inexpedient, and not in accordance with the spirit of the Act, that a Divisional Forest Officer should be appointed Forest Settlement and Demarcation Officer (Government Resolution No 4157, dated 28th June 1882)

^{*} Now Act I of 1894.

(3) Forest Settlement and Forest Demarcation office may be held by the same officer.—There is no objection to a Forest Settlement Officer being also a Forest Demarcation Officer. A Forest Demarcation Officer is not invested, as such, with any powers under the Forest Act and he does not, therefore, hold a "Forest office". Moreover, section 4 of the Act does not absolutely prohibit the appointment of a person holding a "Forest office" to be Forest Settlement Officer. It merely directs that such an appointment shall not "ordinarily" be made. (Government Resolution No. 1125, dated 23rd February 1881.)

(4) For form of notification under this section, see article 322, Part IV.

5. During the interval between the publication of such notification and the date fixed by the notification under section 19, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of Government or some person in whom such right was vested when the former notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land [except in accordance with rules prescribed by the Local Government].

Bar of
accrual of
forest
rights

6. When a notification has been issued under section 4, the Forest-settlement-officer shall publish in the language of the country, in every town and village in the neighbourhood of the land comprised therein, a proclamation—

Proclama-
tion by
Forest
settle-
ment-
officer

²(a) specifying, as nearly as possible, the situation and limits of the proposed forest;

(b) explaining the consequences which as hereinafter provided, will ensue on the reservation of such forest; and

(c) fixing a period of not less than three months from the date of such proclamation,

¹ These words were added by the Forest Act, 1890 (V of 1890), s 4, General Act, Vol. IV.

² This clause was substituted for the original cl. (a) by Act V of 1890, s 6. The clause ran:—“(a) specifying the limits of the proposed forest”.

and requiring every person claiming any right mentioned in section 4 or 5 either to present to such officer within such period a written notice specifying, or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

Inquiry
by Forest
Settle-
ment
officer

7. The Forest-settlement-officer shall take down in writing all statements made under section 6, and shall, at some convenient place, inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

(1) Forest Settlement Officer has not to record privileges but to deal with rights.—A Forest Settlement Officer in his award of settlement is not required to make any record of *privileges*. The Settlement Officer has simply to record in his award column against the different forest numbers, *rights*, their nature and extent, where rights exist, and to record “free of rights” where no rights exist.

A Forest Settlement Officer is not to record that certain forest lands should be expunged and that others are available for exchange. This is the work of a Forest Demarcation Officer and not of a Forest Settlement Officer as defined by the Forest Act. (Government Resolution No. 4919, dated 15th September 1879.)

NOTE.—For nature of the above rights see note (1) under section 9

(2) Former demarcation need not come under settlement again.—Lands handed over to forests under former demarcations should *not* come within the cognizance of the Forest Settlement Officer, for the reason that all claims connected with them have already been enquired into, settled, and recorded, and his settlement has been approved of and sanctioned by Government, and has been in observance for years. Should the Forest Settlement Officer have reason to suspect that in any instance the previous enquiry was insufficient, he may report the case for the special orders

of Government as to whether a detailed enquiry is to be made under the Act. (Government Resolution No. 4919, dated 15th September 1879.)

8. For the purpose of such enquiry, the Forest-settlement-officer may exercise the following powers, that is to say :—

Powers of
Forest-
settle-
ment-
officer.

(a) power to enter, by himself or any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

(b) the powers of a Civil Court in the trial of suits.

Surveys under section 8.—Surveys for the purpose of demarcating forests merely need not necessarily be made under the provisions of chapters VIII to X of the Land Revenue Code. Section 8 of the Indian Forest Act, 1878, empowers a Forest Settlement Officer to enter by himself, or any officer authorized by him for the purpose, upon any land and to survey, demarcate and make a map of the same, and this appears to be quite sufficient for all the purposes of the Forest Act. Such survey and demarcation can, however, only take place after a notification declaring that it is proposed to constitute a reserved forest has been issued under section 4 of the Forest Act. In such notification it is "sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries" (*vide* explanation 1 to section 4). In the notification finally declaring a forest reserved, to be issued under section 19, the limits must be specified "definitely, according to boundary-marks erected or otherwise." (Government Resolution No. 2813, dated 9th April 1883.)

9. Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before the notification under section 19 is published, the person claiming them satisfies the Forest-settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.

Extinc-
tion of
rights.

(1) Rights of way and rights to water-courses are included in the rights referred to in section 9.—The Forest Settlement

Officer is appointed to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within the specified limits of the proposed forest, and to deal with the same as provided in chapter II. He has, therefore, two principal duties to attend to; first, to make a proper inquiry, and, secondly, to dispose of the claims in accordance with the provisions of the said chapter.

His enquiry is to be made not only into all claims duly preferred, but he is to search for the existence of any rights which are not claimed, by examining Government records, taking the evidence of persons likely to be acquainted with any such rights, and personally surveying and mapping out the proposed forest.

The rights so contemplated are classed as follows:—

- (1) Right of pasture.
- (2) Right to forest produce.
- (3) Right of way.
- (4) Right to water-courses
- (5) All other rights in or over any land.

Section 10 provides how the Forest Settlement Officer shall deal with the last class of rights

Sections 11, 12, 13, 14 and 15 provide how the Forest Settlement Officer shall deal with the first and second classes of rights

The third and fourth classes relate to certain incorporeal hereditaments or easements attaching to the land which is the property of Government. It is obvious that when once after due inquiry a claim to any such right is admitted, or when once the existence of any such right is discovered, the fact of the right is sufficiently established.

Where no claims are preferred in respect of these rights, it is undoubtedly the duty of the Forest Settlement Officer not to overlook their existence and not to neglect to make every possible enquiry to ascertain whether any such rights do exist. It depends on the Forest Settlement Officer to prevent any hardship occurring to villagers living near proposed forests in respect to the use of public pathways or of water-courses in the forests, and it is not likely that any such rights, where they are clearly defined and ascertainable, will become extinct through the operation of section 9. Any right of this description which is so obscure

as not to be claimed at the proper time, or to come to knowledge after careful search has been made, cannot be of much worth.

It is clearly the intention of the Legislature that all existing rights of way or to water-courses should be carefully ascertained and preserved intact unless it is found convenient to stop such ways or water-courses and substitute others for them, as provided by section 24. (Government Resolution No. 3112, dated 31st May 1881.)

(2) **Object of appointing a Forest Settlement Officer.**—The object of the appointment of a Forest Settlement Officer is that after a fixed date all rights not asserted before him or otherwise brought to his knowledge may be *extinguished*. (Government Resolutions Nos. 3329, dated 24th June 1879, 3567, dated 7th July 1879, and 7840, dated 9th November 1882.)

¹ 9A. (1) In the case of a claim relating to the practice of shifting cultivation, the Forest-settlement-officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the Local Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.

Treatment
of claims
relating to
practice of
shifting
culti-
vation

(2) On receipt of the statement and opinion the Local Government may make an order permitting or prohibiting the practice wholly or in part.

(3) If such practice is permitted wholly or in part, the Forest-settlement-officer may arrange for its exercise—

(a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or

(b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to prac-

S 9A was inserted by Act V of 1890, s. 6, General Acts, Vol. IV,

tise shifting cultivation therein under such conditions as he may prescribe.

All arrangements made under this sub-section shall be subject to the previous sanction of the Local Government.

(4) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the Local Government.

Power to
acquire
land over
which
right is
claimed

10. In the case of a claim to a right in or over any land, other than a right of way or pasture, or to forest-produce or a water-course, the Forest-settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

If such claim is admitted in whole or in part, the Forest-settlement-officer shall either (1) exclude such land from the limits of the proposed forest; or (2) come to an agreement with the owner thereof for the surrender of his rights: or (3) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1870.¹

X of 1870

For the purpose of so acquiring such land—

(a) the Forest-settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1870¹;

(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act²;

(c) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and

(d) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money.

¹ See now the Land Acquisition Act, 1894 (I of 1894), General Act, Vol. IV.

² This reference to s. 9 of Act X. of 1870 should now be read as referring to s. 9 of Act I of 1894—see s. 2 of the latter Act.

(1) **Forest Settlement Officer has no power to expunge former settlements.**—Although under sections 10, 14 (a), (b) and 15, a Forest Settlement Officer is empowered to exclude proposed forest lands which may be burdened with rights, to give some forest tracts as compensation for rights that were attaching to other forest tracts retained in reserved forests, to alter the limits of *proposed* forest, so as to exclude forest land from the exercise of rights, he has no power to throw out any portion of declared reserved forest previously settled—land indeed which has not been by law subjected to his operations or control in this respect. Section 26 of the Act prescribes the procedure to be observed when any forest, or any portion of it, is desired to be removed from reservation, and the Forest Settlement Officer's duties have no connection with this work. (Government Resolution No. 4919, dated 15th September 1879.)

(2) Read note (2) under section 3 and note (1) under section 4.

11. In the case of a claim to rights of pasture or to forest-produce, the Forest-settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

Order on claims to rights of pasture or to forest-produce.

The Forest Settlement Officer has no jurisdiction as to a right to the proceeds of forest produce.—The Forest Settlement Officer can only enquire into and determine the existence, nature and extent of rights in or over the land or actual forest produce, and has no jurisdiction as to a right to the *proceeds* of forest produce. (Government Resolution No. 8598, dated 24th December 1888.)

12. The Forest-settlement-officer, when passing any order under section 11, shall record, so far as may be practicable,—

Record to be made by Forest settlement-officer

(a) the name, father's name, caste, residence and occupation of the person claiming the right;

(b) the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

Record
where he
admits
claim

13. If the Forest-settlement-officer admits in whole or in part any claim under section 11, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest-produce which he is from time to time authorized to take or receive, or such other particulars as the case may require. He shall also record whether the timber or other forest-produce obtained by the exercise of the rights claimed may be sold or bartered.

Section 38, Land Revenue Code, not applicable to grazing rights.—Grazing *grants* recorded by the Survey can at any time be dealt with under section 38 of the Land Revenue Code, but *grazing rights* imply that the Survey records rights which it found to be in existence, and if the Forest Settlement Officer has placed them on record, neither the Survey nor the Commissioner could touch them. (Government Resolution No. 4171, dated 15th July 1887.)

Exercise
of rights
admitted

14. After making such record, the Forest-settlement-officer shall, to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted. For this purpose the Forest-settlement-officer may—

(a) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted; or

(b) so alter the limits of the proposed forest as to exclude forest land of sufficient extent, and in a locality reasonably convenient, for the purposes of the claimants; or

(c) record an order, continuing to such claimants a right of pasture or to forest produce (as the case may be) to the extent so admitted,

at such seasons, within such portions of the proposed forest and under such rules, as may from time to time be prescribed by the Local Government.

Read note (1) under section 10.

15. In case the Forest-settlement-officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 14 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall (subject to such rules as the Local Government may from time to time prescribe in this behalf) commute such rights, either by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit. Commuta-
tion of
rights.

(1) Commutation must be permanent and complete.—The object of Chapter II of the Forest Act is to enable the State to maintain certain areas permanently as reserved forest, and with this view an elaborate procedure is prescribed. The Forest Settlement Officer hears claims to rights, and, under section 13, makes a record of such rights as he admits. Then under section 14, "having due regard to the maintenance of the reserved forest" he proceeds to pass such orders as will ensure the continued exercise of the rights so admitted. If, however, he finds it impossible, having, again, "due regard to maintenance of the reserved forest," to arrange the matter suitably, he can, under section 15, commute such rights, either by money payment, or by grant of land, "or in such other manner as he thinks fit." The commutation of rights thus provided for must be of a permanent, and not of a temporary, character, and in fact, it must be of such a nature (in whatever manner it may be made) as to absolutely extinguish the right which the Forest Settlement Officer has admitted, but the exercise of which cannot be allowed with due regard to the maintenance of the reserved forest. It may be observed that the words "other manner", in the expression "in such other manner as he thinks fit", simply refer to the nature of the consideration which the right-holder is to receive for the commutation of his rights, and imply that it must be a mode *ejusdem generis* with payment of a lump sum or a grant of land (Letter No. 893, dated 23rd September 1887, from the Government of India, Revenue and Agriculture (Forests).

(2) Commutation should be an extinguishment of the right commuted.—The commutation of rights provided for in section 15 of the Act was intended to be, and according to the true construction of the terms of the section is, an extinguishment of the right commuted for the consideration mentioned, just as by section 10 an absolute surrender (sub-clause 2), or complete and permanent acquisition (sub-clause 3) of the rights dealt with by that section, are provided for. This view is supported by the terms of section 26, which appear to assume the operation of the Act on forest rights to be limited to extinguishment or absolute acquisition of the same, and by the fact that nowhere in the Act is there any trace of an intention that forest rights should, under its provisions, be suspended or temporarily taken up by Government. The expression at the end of section 15, "in such other manner as he thinks fit," may be construed as having reference only to the consideration to be paid or given for the right commuted, and these words cannot properly be interpreted as in any degree amplifying or affecting the meaning of the word "commuting" which must be read in its ordinary significance of "exchanging," out and out, and permanently. There seems no reason why a cash allowance, either permanent or temporary, and terminable at a fixed period or on the expiry of one or more lives, should not form the consideration for the commutation (*i.e.* permanent acquisition) of rights under section 15. The granting of such allowances, either permanent or temporary, in lieu of the rights commuted, would be within the scope of the words "in such other manner as he thinks fit," at the close of the section, and no rule appears to be necessary to warrant the adoption of this course. There can be few forest rights for the permanent acquisition (commutation) of which allowances, terminable at periods more or less remote, according to the nature and value of the rights, would not be adequate compensation (Advocate General's No. 28, dated 8th November 1887, *vide* Government Resolution No. 8524, dated 15th December 1887.)

(3) Commutation is compulsory where settlement under section 14 is impossible.—In cases in which the Forest Settlement Officer "finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 14 of the Forest Act as shall ensure the continued exercise of the Inamdar's rights to the extent" to which he has admitted their existence, section 15 of the

Act requires that the Forest Settlement Officer "*shall* commute such rights, either by the payment to such persons of a sum of money in lieu thereof, or by the grant of land or in such other manner as he thinks fit." This it is incumbent on the Forest Settlement Officer to do, and an appeal will lie under section 16 of the Act against any order he may pass. The provisions of the Land Acquisition Act are not applicable. The commutation must be made under section 15 of the Forest Act and subject to such rules, if any, as Government may have prescribed under that section. (Government Resolution No. 6940, dated 29th August 1884.)

(4) Read note (1) under section (10).

16. Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the Local Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest-settlement-officer under section 10, 11, 14 or 15, present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Collector or Deputy Commissioner, as the Local Government may from time to time, by notification in the local official Gazette, appoint by name, or as holding an office, to hear appeals from such orders :

Provided that, if the Local Government establishes (as it is hereby empowered to do) a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the Local Government, such appeals shall be presented to such Court.

(1) Right of appeal lapses after 3 months.—Section 16 of the Forest Act gives "right of appeal within three months from the date of the orders passed" and it follows that after that period there is no right of appeal against the awards of the Forest Settlement Officer. (Government Resolution No. 4888, dated 18th June 1884.)

(2) For officers empowered under this section see article 85, Part II.

Appeal
under
section 16

17 Every appeal under section 16 shall be made by petition in writing, and may be delivered to the Forest-settlement-officer, who shall forward it without delay to the authority competent to hear the same.

If the appeal be to an officer appointed under section 16, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.

If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal, and shall give notice thereof to the parties, and shall hear such appeal accordingly.

The order passed thereon by such officer or Court, or by the majority of the members of such Court, shall be final, subject to revision by the Local Government.

(1) Government have no power to revise order when there is no appeal under section 16.—Section 17 of the Forest Act empowers Government to revise an appellate order when an appeal has been made under section 16. But when no such appeal is made Government have no power to revise the order of the Forest Settlement Officer, nor is Government vested with authority to quash proceedings and direct a fresh enquiry (Government Resolutions Nos 4090, dated 9th June 1886, and 3027, dated 14th May 1887)

(2) Read notes under section 21.

Pleader

18. The Local Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest-settlement-officer, or the appellate officer or Court, in the course of any inquiry or appeal under this Act.

Notifica-
tion declar-
ing forest
reserved

19. When the following events have occurred (namely) :—

(a) the period fixed under section 6 for preferring claims has elapsed, and all claims (if any) made within such period have been disposed of by the Forest-settlement-officer; and

(b) if such claims have been made, and the period limited by section 16 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate officer or Court; and

(c) all lands (if any) to be included in the proposed forest, which the Forest-settlement-officer has, under section 10, elected to acquire under the Land Acquisition Act, 1870¹, have ^{X of 1870.} become vested in the Government under section 16 of that Act,

the Local Government may publish a notification in the local official Gazette, specifying definitely, according to boundary-marks erected or otherwise, the limits of the forest which it is intended to reserve, and declaring the same to be reserved from a date fixed by such notification.

From the date so fixed such forest shall be deemed to be a reserved forest.

(1) **Conversion of protected forest into reserved forest.**—Lands with regard to which the provisions of Chapter II have been duly carried out and which have been notified as Protected Forests under section 28, can, without further enquiry being made, be notified under section 19 (Government Resolution No. 5305, dated 31st May 1906)

(2) For form of notification under this section and orders regarding the same, see articles 318 to 324, Part IV.

20. The Forest-officer shall, before the date fixed by such notification, cause a translation thereof into the language of the country to be published in every town and village in the neighbourhood of the forest.

Publica-
tion of
transla-
tion of
such noti-
fication in
neighbour-
hood of
forest
Power to
revise
arrange-
ment
made
under
section 14

21. The Local Government may, within five years from the publication of any notification under section 19, revise any arrangement made under section 14 or 17, and may, for this purpose,

¹ Read now the Land Acquisition Act, 1894 (I of 1894), s. 2, General or 17-Acts, Vol. IV.

rescind or modify any order made under section 14 or 17, and direct that any one of the proceedings specified in section 14 be taken in lieu of any other of such proceedings, or that the rights admitted under section 11 be commuted under section 15.

(1) **Limitations on the revisional power of Government.**—**Memorandum by Legal Remembrancer.**—The Collector has confirmed the Forest Settlement Officer's decision, in so far as it related to the award to the lessee, under section 11 of the Forest Act, of three articles of forest produce. The Conservator asks Government, under section 21 of the Act, to rescind the Collector's order and require him to try the appeal over again and, in his new decision, to comply with the provisions of the Act, which prescribes that the extent of admitted rights shall be clearly defined.

Section 17 of the Forest Act enacts that the decision of the appellate officer shall be final, subject only to revision by the Local Government. Section 21 prescribes the revisional power of Government. It says that Government may "rescind or modify any order made under section 14 or 17, and direct that any one of the proceedings specified in section 14 be taken in lieu of any other of such proceedings, or that the rights admitted under section 11 be commuted under section 15." If, therefore, Government think fit to modify the Collector's order under section 17, they are limited, in doing so, to directing either,

(i) that some other course than that ordered by the Collector under section 14 of the Act be taken, or,

(ii) that the admitted rights, or some of them, be commuted under section 15.

It is not open to Government, I think, to pass such an order as the Conservator suggests, and as no order has been made by the Collector or the Forest Settlement Officer in respect of the admitted rights in question under section 11, none can be made by Government. It is, in my opinion, only possible for Government, if they think fit, now to direct that the admitted rights be commuted under section 15 of the Act (Government Resolution No 4149, dated 25th June 1888).

(2) **Further opinion of the Legal Remembrancer.**—The Conservator, Northern Circle, takes exception to the construction put by the Honourable Mr Naylor on section 21 of the Forest Act.

The Honourable Mr. Naylor pointed out that the revisional power of Government is limited by that section to the substitution of any one of the arrangements which a Forest Settlement Officer has power to make under section 14 of the Act for any arrangement actually adopted by such officer.

The Conservator appears to argue that section 21 must extend to the revision of the order admitting or rejecting the claim, because it gives the Local Government power to revise an order under section 17, which is silent as to commutative arrangements:

This argument, however, seems untenable. An appeal may be made under section 16 from any order under section 14, and, therefore, includes commutative arrangements, and such an appeal must be dealt with under section 17 and the order on appeal is subject only to revision. The Conservator is mistaken, therefore, in thinking that the Collector, as appellate Court, has nothing to do with an order under section 14. Sections 16 and 17 require him to deal with an appeal against an order passed under section 14, and his order thereon is liable to revision only.

The revisional powers of the Local Government are not defined, but only referred to in section 17. No provision is made in that section as to when they are to be exercised. The only provision as to the exercise of those revisional powers is to be found in section 21, and it is clear from section 21 and the intervening sections 18 and 19, that so far as the admission or rejection of a right claimed is concerned, the decision of the appellate Court under section 17 is final. For section 18 provides for the appearance on behalf of the Local Government, as a party interested, at the enquiry and appeal, and section 19 provides for a notification issuing on the decision of the appellate Court, or on the period allowed for appeal expiring without appeal made. It is, therefore, clear—

(a) that the time for the Local Government to prefer their claims is when the enquiry or the appeal is proceeding,

(b) that on the decision on appeal, or on the expiry of the period allowed without an appeal, the rights are taken to be so definitively settled that the Government are empowered to act on the decision as to them by issuing the final notification.

I would note that it is most improbable that the Legislature intended that Government after appearing as a party

in the proceedings and after acting on the decision as a binding one, should then assume judicial functions in the very same matter and should exercise them at any time within five years.

Section 21 clearly refers to executive or administrative orders only, and as there is no other section defining their powers in revision, those powers must be strictly limited by section 21. The words governing the whole section are "The Local Government may revise *any arrangement*" and it is only '*for that purpose*' that Government may rescind an order under section 14 or section 17. *Expressio unius est exclusio alterius* and Government cannot, therefore, set aside an order under section 11 as to the existence of a right claimed. They can only deal with the arrangements made under section 14 as confirmed or modified by the appellate Court under section 17 as to the manner in which the rights are to be exercised or commuted. The latter part of the section clearly restricts the power of the Local Government in rescinding or modifying an order under section 14 or 17 to the selection of commutative *arrangements*.

It is very possible the original or the appellate Court may err in admitting or rejecting a claim, and an error may have occurred in the present instance. But when the Legislature has appointed the forum, it is not open to the one of the parties interested, if dissatisfied with the decision, to assume appellate powers not conferred by law. Under section 17, the order of the appellate Court is final except so far as the Local Government may revise it under section 21, and neither Government nor the claimant has any further right of appeal. Government are not more helpless to prevent the alienation of public property in this instance than in any other which comes before a judicial tribunal. They have a right to be heard by the tribunals constituted by law, and the Legislature evidently never intended to empower them to readjudicate on their own rights.

No doubt section 13 requires the Forest Settlement Officer to record the extent to which a claim is admitted, and for this purpose the quantity of timber or other forest produce which the claimant is from time to time authorized to take or receive must be specified, and the record must also show whether such timber or other forest produce may be sold or bartered. But *certum est quod certum reddi potest*, and Mr. Lawrence's decision, confirmed by Mr. Keyser, limits the right by a test as definite as arithmetic. The claimant's

right to wood is limited by the order which he is permitted by the Collector to take, and the power to take wood for sale is, I think, clearly excluded by the words "for purely domestic purposes in the village". The rights to fruit trees and brab trees are no less clearly defined under paragraphs 4 and 6 of Mr. Lawrence's decision, and Mr. Keyser as appellate Court, has confirmed the decision on these points without qualification.

The Conservator, Northern Circle, in paragraph 14 of his letter leaves incomplete his quotation of section 14.

The Forest Settlement Officer may make arrangements under (a), (b) and (c) of section 14, but is not bound to do so. All he is bound to do is, to "pass such orders as will ensure the continued exercise of the rights admitted." This is to protect the interests of the claimant. The imperative *shall* at which Conservator's quotation stops short, refers only to the passing of those orders. The manner of effecting the object of those orders is discretionary, and if the Local Government consider that better arrangements might be made by commuting the admitted rights, the law allows them five years to judge by the light of practical experience as to the best way in which such arrangements may be effected.

It is very possible that the orders of the Settlement Officer as confirmed by the appellate Court, may not have provided for the continued exercise of the rights admitted, in such a way as to provide adequately for the maintenance of the reserved forest, and it is here that the revisional power of the Local Government may legally be exercised, who may proceed under (a), (b) or (c) of section 14, or under section 15 may commute the claimants' rights by a money payment or a grant of land, or in any other manner they may think fit. (Government Resolution No. 957 dated 6th February 1889.)

22. No right of any description shall be acquired in or over a reserved forest, except by succession or under a grant or contract in writing made by or on behalf of the Government or of some person in whom such right was vested when the notification under section 19 was issued. No right acquired over reserved forest, except as here provided.

23. Notwithstanding anything contained in section 22, no right continued under section 14, clause (c), shall be alienated by way of grant, sale, Rights not to be alienated without sanction.

lease, mortgage or otherwise, without the sanction of the Local Government :

Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 13.

Power to stop ways and water-courses in reserved forests.

21. The Forest-officer may, from time to time, with the previous sanction of the Local Government or of any officer duly authorized in that behalf, stop any public or private way or water-course in a reserved forest.

Provided that a substitute for the way or water-course so stopped, which the Local Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest-officer in lieu thereof.

NOTE —For officers empowered under this section see article 85, Part II.

Acts prohibited in such forests

25. Any person who—

(a) makes any fresh clearing prohibited by section 5, or

¹[(b) sets fire to a reserved forest, or, in contravention of any rules made by the Local Government, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest.]

or who, in a reserved forest, —

(c) kindles, keeps or carries any fire except at such seasons as the Forest-officer may from time to time notify in this behalf,

(d) trespasses or pastures cattle, or permits cattle to trespass,

(e) causes any damage by negligence in felling any tree or cutting or dragging any timber;

¹This clause was substituted for the original cl (b) by the Forest Act, 1890 (V of 1890), s 7. For Act V, see General Acts, Vol IV.

(f) fells, girdles, lops, taps or burns any tree, or strips off the bark or leaves from, or otherwise damages the same ;

(g) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce ;

(h) clears or breaks up any land for cultivation or any other purpose ; or,

(i) in contravention of any rules which the Local Government may from time to time prescribe, kills or catches elephants, hunts, shoots, fishes, poisons water or sets traps or snares,

shall be punished with imprisonment for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

Nothing in this section shall be deemed to prohibit (a) any act done by permission in writing of the Forest-officer, or under any rule made by the Local Government ; or (b) the exercise of any right continued under section 14, clause (c), or created by grant or contract in writing made by or on behalf of Government under section 22.

Whenever fire is caused wilfully or by gross negligence in a reserved forest, the Local Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be suspended for such period as it thinks fit.

(1) Possession of flint and steel is no offence.—Section 25 (c).—The mere possession of a flint and steel within forest limits does not constitute an offence under section 25 (c) of the Indian Forest Act. (Runchhod, 4 Bom. L. R. 935.)

(2) Trespass of a human being is an offence.—Section 25 (d) makes punishable the trespass of a *human being* in a reserved forest. (Undya, C. R. 21 of 1892)

(3) Entry except by authorized paths is trespass.—Section 25 (d) —Any person who enters a forest except by a public or private way, the rights of which have been recorded under section 7, is a trespasser. An unlawful entry on another's land is a trespass, but it is not an offence punishable under the Penal Code, which only contemplates the offence called "criminal trespass", i.e. trespass with intent to commit an offence or to annoy the person in possession. But unlawful entry on a reserved forest is a forest offence punishable under the Forest Act (Government Resolution No 3112, dated 31st May 1891)

(4) Permitting cattle to trespass.—Section 25 (d) —The question whether the owner of cattle, whose animals trespass in a reserved forest, is criminally liable for committing an offence under section 25, clause (d), depends upon the whole circumstances of each particular case. In a great many cases, the question will resolve itself into 'did he or did he not take proper precautions to prevent such trespass?', and, it does not depend upon the presence or absence of the owner at the moment (Samandar, 16 P. R. 1909.)

(5) Liability of absentee owners for cattle trespass.—Section 25 (d) —Memorandum by Legal Remembrancer on the question whether an absentee owner of cattle is criminally responsible for the acts of his servants in permitting cattle entrusted to their care to trespass into forest area closed to grazing—

Section 26 of the Cattle Trespass Act 1871, and section 25 of the Indian Forest Act, 1878, impose penalties for trespass by cattle. The former enactment (when made applicable by the Local Government to cattle) would render the owner of cattle liable for any trespass committed by his cattle if he allowed his cattle to trespass on any particular land and, through neglect or otherwise, caused or permitted the land or its produce to be thereby damaged. This section applies to any land and the penalty may be raised to Rs. 50. Section 25 (d) of the Forest Act makes it an offence to permit cattle to trespass in a reserved forest. In the case of both of these enactments, if a competent herdman were employed, it would be necessary, before an absentee

owner could be convicted, to prove at least that he had reason to believe that offence was likely to be committed, and willfully neglected to take proper precautions against it. I suppose that there would generally be difficulty in proving this.

Section 31 (i) of the Forest Act provides for the making of rules respecting the pasturing of cattle in protected forests and section 32 (h) imposes a penalty for infringement of any such rule. But I doubt whether Government could insert in such rules a more stringent provision than the Act enacts for reserved forests, and in any case such rules apply only to protected forests.

It will be noted that section 31 of the Forest Act prescribes that cattle used in committing a forest offence may be confiscated; this would subject the owner to considerable loss and would probably have as much effect as any other penalty.

A master is in general criminally liable for the criminal acts of his servant only if he abets them, and to render him liable for any less degree of complicity an express legislative enactment is required. Except those stated above, I do not think there is any such enactment at present touching the matter under reference. (Government Order No. 621, dated 21st January 1919.)

(6) Removal of private timber through reserved forest by an unauthorised route causing damage.—Section 25 (c) — *A* had some timber cut from trees in occupied land which he wished to take to a port for exportation. The nearest way from the place where the timber was lying was through reserved forest. *A* asked and obtained the permission of the Divisional Forest Officer to transport the timber through forest. The permission was stated to have been conditioned on *A* carrying his timber by route *B* and not causing any injury to the forest. *A* moved the timber by another route *C*, making a timber slide for the purpose and injuring trees in reserved forest. Thereupon the Divisional Forest Officer attached the timber after it had reached the bunder and subsequently accepted compensation under section 67 (b) as consideration for releasing the timber. On the question being raised whether the Divisional Forest Officer's action was legal, the Legal Remembrancer recorded the following opinion which was concurred in by Government:—

'Forest produce' includes timber whether found in or brought from a forest or not, and the timber in

question was therefore "forest produce". If therefore a "forest offence" was committed regarding such timber, it could be seized under section 52 of the Indian Forest Act.

A "forest offence" is an offence punishable under the Act or under any rule made under the Act. Under section 25 (e) it is an offence to cause damage in a reserved forest by negligently dragging timber. If timber is so negligently dragged, in my opinion an offence is committed regarding such timber. In the case put the facts apparently constitute an offence under section 25.

Further, under rule 3 of the rules framed under section 41 "no timber shall be moved within any district of the Bombay Presidency, except within the limits of a reserved forest, without a pass from some person duly authorised to issue such pass, or otherwise than in accordance with the condition of such pass". The pass must prescribe a route as laid down in rule 4, and if such route was not observed, then the removal of the timber was punishable under rule 26. If so, a "forest offence" was committed in regard to such timber and it could be attached under section 52. (Government Resolution No. 3308, dated 13th April 1910.)

(7) **Conviction of a dumb person under section 25 (f).—**A District Magistrate forwarded for the orders of the High Court, under section 341 of the Code of Criminal Procedure, the proceedings of a case in which the accused who was dumb, was convicted by a third class Magistrate of an offence under section 25 (f) of the Indian Forest Act.

Held, returning the proceedings, that—as the accused was reported to have understood the proceedings, section 341 was not applicable. (C. R. No. 7 of May 1901.)

(8) **Conviction under section 25 (2) is illegal in the absence of rules under that clause.—**A conviction recorded under clause (2) of section 25 for shooting in a reserved forest in contravention of any rules which the Local Government may from time to time prescribe, is illegal, in the absence of any such rules having been passed by Government. (Hanmanta, C. R. No. 51 of 1893.)

(9) **A case under section 25 is a "summons case".—**A case under section 25 is a "summons case" and the Tahsildar, if he did not find the accused guilty, was bound to acquit him,

U. L. . . .
Page 31.—Add the following as note (12) under section 25 :—

"(12) Punishment : Juvenile offenders.—Juvenile offenders may be punished with whipping for the abetment or commission of, or attempt to commit offences under sections 25, 32 and 62 andules under section 41 of the Indian Forest Act for the infringement of which imprisonment is prescribed a penalty."

(G. O., H. D., No. 120, dated 21st December 1920.)

and no order under section 437, Criminal Procedure Code, directing further enquiry could be passed by the District Magistrate or Sessions Judge. (Amir Khan, I Punj. L. R. 56.)

(10) **Order for payment of court fees is illegal.**—Sections 25 and 63.—Accused were convicted of an offence under section 25, clause (g), and each sentenced to pay a fine of 13 annas, or in default to suffer one day's simple imprisonment, and all of them were ordered to pay annas five as compensation for the loss of the forest fuel or wood and Rs. 1-4-0 as court fee expenses under section 31 of Act VII of 1870. *Held*, setting aside so much of the order of the trying Magistrate as directed payment of court fees, that no court fees had been paid as none were due under section 31 of the Court Fees Act of 1870, offences under the Forest Act being under section 63 of the kind for which police officers may arrest without warrant. (C. R., Bom. 25 of 1894)

(11) For rules framed under clauses (b) and (c) of this section see articles 105, 121, 123, and 124, Part II.

26. The Local Government may, *subject to the control of the Governor General in Council, by notification in the local official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

Power to
declare
forest no
longer
reserved

From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

(1) **Power of Local Government to sanction disforestation.**—The Government of Bombay may, without reference to the Government of India, sanction disforestation from reserved forests in territories in which the Indian Forest Act is in force, when the area involved does not exceed one square mile in each case. (Government of India, Revenue and Agriculture (Forests), Circular letter No. 29-F-238-4, dated 21st November 1911, Government Resolution No. 143, dated 6th January 1912.)

* The words "subject to the control" were substituted for the words "with the previous sanction" by Act XV of 1911.

(2) **Exclusion of lands notified under section 4.**—It is not necessary for Government to publish a formal notification under section 26 when lands which were merely notified under section 4 are to be excluded from forests. (Government Resolution No 6028 dated 25th July 1885)

(3) Read notes (1) undersections 10 and 34, respectively.

CHAPTER III.

OF VILLAGE FORESTS

Formation
of village
forests

27. The Local Government may from time to time assign to any village-community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village-forests.

The Local Government may from time to time make rules for regulating the management of village-forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.

All provisions of this Act relating to reserved forests shall (so far as they are consistent with the rules so made) apply to village-forests.

CHAPTER IV.

OF PROTECTED FORESTS ¹

"Protect-
ed
ests" for

28. The Local Government may from time to time, by notification in the local official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled

¹ As to the application of provisions relating to protected forests (1) to land not the property of the Government, see s. 38; (2) to forests, waste land or produce the joint property of the Government and other persons, see s. 70, *infra*

The forest-land and waste-lands comprised in any such notification shall be called a "protected forest."

No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the Local Government thinks sufficient.

Every such record shall be presumed to be correct until the contrary is proved :

Provided that, if in the case of any forest-land or waste-land, the Local Government thinks that such inquiry and record are necessary, but that they will occupy such length of time as that the rights of Government will, in the meantime, be endangered, the Local Government may (pending such inquiry and record) declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

(1) Read note (1) under section 3 and notes (1) and (2) under section 35.

(2) **Preliminary notification unnecessary.**—The Forest Act does not apparently contemplate the issue of any notification stating that it is proposed to constitute certain lands protected forests. Section 28 of the Act authorizes Government to declare by notification that the provisions of Chapter IV relating to protected forests are applicable to certain descriptions of forest land or waste land, and that the lands comprised in such notification shall be called protected forests. It does not, however, provide for the publication of a notification declaring merely that it is proposed to constitute certain lands protected forests. (Government Resolution No. 538, dated 26th January 1881.)

(3) **Enquiry into rights.**—Under section 28 rights enquired into and recorded at a survey or settlement are sufficiently enquired into for the purposes of the Act (Government Resolution No. 4576, dated 30th August 1879.)

(4) **Sections 9 and 15 inapplicable to protected forests.**—Memorandum by Legal Remembrancer:—It is not competent to Government to extend the provisions of section 9 of the

Forest Act, regarding the extinction of rights in reserved forests, and of section 15, regarding the commutation of rights in such forests, to protected forests. In the case of a protected forest all that the Act contemplates is an enquiry and a record of rights, not a settlement. If the existence of a right is denied by Government in a protected forest there is nothing to prevent the claimant from resorting to the usual remedy in the Civil Courts to establish his claim, if he is so minded. And if his right is admitted he cannot be in any way *compelled* to commute or part with it. A "settlement" with him can only be made with his consent (Government Resolution No 2711, dated 31st March 1885)

(5) Enquiry into rights need not necessarily be made by a Forest Settlement Officer.—The Forest Act (*vide* sections 4 and 16) only really requires the appointment of a Forest Settlement Officer and of an appellate authority for the purpose of an enquiry into rights in a reserved forest. With regard to protected forests, sections 28 and 31 prescribe that "the nature and extent of the rights of Government and of private persons in or over the forest land or waste land comprised therein shall be enquired into and recorded at survey or settlement, or in such other manner as the Local Government thinks sufficient"

It is, of course, competent to Government, if they think fit, to direct, with reference to the last ten words of this quotation, that in protected forests the enquiry and record shall be made and prepared by a Forest Settlement Officer in the same manner and subject to the same provisions and right of appeal as in the case of reserved forests, but there is no legal necessity for their doing so, it is not even necessary that the enquiry and record be made by a Forest Settlement Officer.

If, however, protected forests are proposed to be constituted reserved forests, then the inquiry into rights by a Forest Settlement Officer, subject to the provisions of Chapter II of the Act, will be imperative (Government Resolution No 7950 dated 9th October 1881)

(6) Decision of a Civil Court not sufficient for the requirements of paragraph 3.—The provisions of Chapter IV of the Forest Act are applicable to any forest land not included in a reserved forest which is the property of Government. A decision of a District Court declaring certain land to belong to Government cannot be taken as sufficient to satisfy the requirements of the third paragraph of section 28. Nor can

the axiom of law, *nullum tempus occurit domino regi* restrict an express enactment. (Government Resolution No. 5962, dated 11th November 1880)

(7) **Disafforestation of areas declared to be protected forest.**—Read note (1) under section 34 For form of notification see article 141, Part II

(8) For form of notification under this section see article 110 Part II

29. The Local Government may from time to time, by notification in the local official Gazette,—

(a) declare any class of trees in a protected forest, or any trees in any such forest, to be reserved from a date fixed by such notification ;

Power to
issue
notification-
reserving
trees,

(b) declare that a portion of such forest be closed for such term, not exceeding thirty * years, as the Local Government thinks fit, and that the rights of private persons (if any) over such portion shall be suspended during such term: Provided that the remainder of such forest be sufficient, and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed ;

closing
forest.

(c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal, of any forest-produce, in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, any land in any such forest ; and

prohibit-
ing collec-
tion of
forest
produce,
etc, and
breaking
up or
clearing
of land.

(d) alter or cancel such declaration or prohibition.

Notifications under section 29 are of no avail prior to enquiry into rights as required by section 28.—Memorandum by Legal Remembrancer.—(1) As regards the question

*The word " thirty " was substituted for " twenty " by Act I of 1918.

whether notifications reserving trees and prohibiting the quarrying of stone, burning of lime or charcoal, etc., can legally issue under section 29 of the Forest Act, in respect of forest or waste lands before the nature and extent of the rights of Government and private persons in those lands have been inquired into and recorded, it must be remembered that section 28 of the Forest Act requires that unless such rights have been inquired into and recorded

(a) at a survey or settlement, or,

(b) in such other manner as Government thinks sufficient,

no notification shall issue under that section except for the purpose of preventing the actual rights of Government from being endangered, pending enquiry, in which case the notification leaves existing rights unaffected

The last paragraph of section 28 contemplates that the notification in cases where the rights of Government are endangered, should be issued only when there is an enquiry *actually pending*. The notification is to be "*pending enquiry and record*", and it was clearly not intended that the enquiry should be indefinitely postponed after issue of the notification

Where an enquiry has been instituted and is still pending a notification under section 28, final paragraph, can issue only if the enquiry is likely to last so long that the rights of Government may be endangered, but the result of that notification is to leave actual rights, then existing, wholly unaffected. But such a notification would be of no avail whatever, unless it operated under section 32 to protect by penalties the rights of Government then actually existing. Section 29, therefore, gives power to Government to declare that the infringement of certain of its rights, then actually existing, shall thereafter entail a liability to the penalties provided by section 32. But under the final paragraph of section 28 such declaration cannot abridge or affect any rights in existence and, therefore, in each prosecution under section 32 the question will be, not only whether Government have notified a reservation or prohibition, but whether such reservation or prohibition in any way affects or abridges pre-existing rights. Until the rights have been enquired into and recorded, it is almost impossible to say what act or order may not abridge or affect them, and if a Forest officer prosecutes a private person and such person asserts that the act com-

plained of was done in the exercise of a right which he claims, but which has not been enquired into, settled and recorded, it is hardly to be expected that the Criminal Courts will convict.

There would thus be a great practical difficulty in enforcing the penal provisions of section 32 in respect of any notified forest prior to enquiry into existing rights, for every prosecution would involve an enquiry into those rights, and unless it could be shown affirmatively that the reservations and prohibitions did not in any way affect or abridge existing rights, the prosecution would fail. (Government Resolution No. 2058, dated 19th March 1890)

(2) The above argument applies equally to a declaration by Government under clause (h) of section 29 as to a declaration under clause (a) or clause (c) of that section (Government Resolution No. 5645, dated 13th August 1890)

(3) For notifications under this section see articles 124 to 145, Part II.

30. The Collector or Deputy Commissioner of the district shall cause a translation into the language of the district, of every notification issued under section 29, to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

Publica-
tion of
transla-
tion of
such noti-
fication in
neigh-
bourhood

31. The Local Government may, from time to time^{*} and subject to the control of the Governor-General in Council, make rules to regulate the following matters :—

Power to
make
rules for
protected
forests.

(a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest produce, from protected forest ;

(b) the granting of licenses to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest produce for their own use, and the production and return of such licenses by such persons ;

^{*} The words " and subject to the control of the Governor General in Council " were inserted by Act XV of 1911.

(c) the granting of licenses to persons felling or removing trees or timber or other forest produce from such forests for the purposes of trade, and the production and return of such licenses by such persons ;

(d) the payments (if any) to be made by the persons mentioned in clauses (b) and (c) of this section, for permission to cut such trees, or to collect and remove such timber or other forest produce ;

(e) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made ;

(f) the examination of forest produce passing out of such forests ;

(g) the clearing and breaking up of land for cultivation or other purposes in such forests ;

(h) the protection from fire of timber lying in such forests and of trees reserved under section 29 .

(i) the cutting of grass and pasturing of cattle in such forests ,

(j) ['killing or catching elephants,] hunting, shooting, fishing, poisoning water and setting traps or snares in such forests ;

(k) the protection and management of any portion of a forest closed under section 29 ;

(l) the exercise of rights referred to in section 28.

(1) " Subject to the control of the Governor-General in Council."—The Government of India do not propose at present to impose any restrictions on the powers of the Local Governments of making rules under the amended sections 31 and 39 of the Indian Forest Act, but copies of all the rules

¹ These words are repealed in the United Provinces, the Central Provinces and Coorg, and in local areas to which the Elephants Preservation Act, 1879, is extended—see Act VI of 1879, s. 2, General Acts, Vol III.

made under these sections should be forwarded to them in the Department of Revenue and Agriculture (Forests) without a covering letter, for information (Circular letter from the Government of India, Department of Revenue and Agriculture (Forests), No. 24-F-238-2, dated 6th October 1911 Government Resolution No 10230, dated 1st November 1911.)

(2) Read note (5) under section 25

(3) For rules under this section see articles 147 to 152, Part II.

32. Any person who commits any of the following offences :--

Penalties
for acts in
contra-
vention of
notifica-
tion under
section 29.

(a) fells, girdles, lops, taps or burns any tree reserved under section 29, or strips off the bark or leaves from, or otherwise damages, any such tree ;

(b) contrary to any prohibition under section 29, quarries any stone, or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest produce ;

(c) contrary to any prohibition under section 29, breaks up or clears for cultivation or any other purpose any land in any protected forest ;

(d) sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent its spreading to any trees reserved under section 29, whether standing, fallen or felled, or to any closed portion of such forest ;

(e) leaves burning any fire kindled by him in the vicinity of any such trees or closed portion ;

(f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid ;

(g) permits cattle to damage any such tree ;

(h) infringes any rule made under section 31 ;

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

[¹ Whenever fire is caused wilfully or by gross negligence in a protected forest, the Local Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of any right of pasture or to forest produce shall be suspended for such period as it thinks fit.]

(1) Section 32 is inoperative unless provisions of sections 29 and 31 have been complied with.—Unless notifications of reserved trees and restrictions on the collection of produce in protected forests are published under section 29 and rules as to the granting of licenses to remove produce are made under section 31, the felling and lopping of trees and the collection and removal of produce are not offences under section 32 of the Act (Government Resolution No 8977, dated 14th November 1884)

(2) Conviction under section 32 (a) for cutting trees in occupied land.—Accused was convicted of cutting trees reserved in a protected forest under section 29 (a) of the Act. *Held*, acquitting the accused, that a protected forest may be notified either under section 28 or 34, but powers under both these sections are restricted to lands, which are forest or waste lands. Whatever liability the accused might be under in regard to the provisions of any other law, he could not be convicted under section 32 (a) of the Act, for the land which formed part of a survey number in an occupant's holding and was assessed, was not shown to be within the class of lands to which the powers of Government under sections 28, 29 and 34 of the Forest Act applied (Sheshgiri Rao Vithal Rao, 7 Bom L R 462—2 C. L. J. 437.)

(3) Award of compensation for damage is illegal.—There is no provision, either in the Act or the rules framed thereunder, to award compensation for damages in respect of the protected forest. (Kamanna Huhanna, 8 Bom L. R. 987, and 5 C. L. J. 9)

¹ This clause was added to the section by s 2 of the Indian Forest (Amendment) Act, 1901 (V of 1901).

No. 2.

Page 41.—Insert the following as notes (5) and (6) to section 32 :—

"(5) *Conviction quarrying stones in the Protected Forests under orders of Public Works Department.*—Accused, a contractor engaged by the Public Works Department, quarried stones required for a public road, from a place which was pointed out to him by the officers of that Department. The place in question was in a protected forest and no sanction was taken of the Forest Department for quarry. The accused was, under these circumstances, convicted of an offence under section 32, clauses (a), and (c), of the Indian Forest Act, read with sections 113 and 114 of the Indian Penal Code :—

Held, reversing the conviction and sentence, that the accused was entitled to the protection of section 79 of the Indian Penal Code, 1860.

Emperor vs. Kan Isab. .. 128.

"(6) Read note (12) under section 25."

control for purposes of forest-conservancy, determine which of such lands [if any] can according to justice, equity and good conscience, be classed as reserved forests or protected forests under this Act, and declare, by notification in the local official Gazette, any lands so classed to be reserved or protected forests, as the case may be :

Provided that such declaration shall not affect any rights of the Government or private persons to or over any land or forest produce in any such forest, which have, previous to the date of such declaration, been inquired into, settled and recorded in a manner which the Local Government thinks sufficient

Provided also that if any such rights have not on such date been so inquired into, settled and recorded, the Local Government shall direct

* These words were inserted by s. 3 of Act V of 1901.

that the same shall be inquired into, settled and recorded in the manner provided by this Act for reserved or protected forests, as the case may be; and until such inquiry, settlement and record have been completed, no such declaration shall abridge or affect such rights.

(1) Section 31 refers to lands actually under forest conservancy.—Disafforestation of areas declared as protected forests.—Memorandum by Legal Remembrancer —I am of opinion that the intention of section 31 of the Forest Act was to enable Government to classify any forest lands or waste lands actually under forest conservancy, at the time the Act was passed, as reserved or protected forests for the purpose of their being thereafter administered under the Act in accordance with the provisions respectively applicable to forests of those classes. The words used in the section are "forest lands or waste lands then under its (i.e. Government) executive control for purposes of forest conservancy", and the marginal note to the section and the heading of the Chapter V further explain that it was meant to apply to "forests under conservancy administration when the Act came into force". Neither the word "forest" nor the word "conservancy" is defined in the Act. But construing those terms in their ordinary significance, I think that all lands under the immediate control of Government or its officers, which were not cultivated and which were set apart and maintained whether by the officers of the Forest Department or under the supervision of any other Department, with the express view of protecting the growth of trees or underwood therein, would fall within their meaning. Lands which had remained uncultivated merely because no one had hitherto applied for their occupancy and which had not been in the meantime especially protected for forest purposes, and lands which had been assigned for special purposes other than those of general forest conservancy, such as village grazing lands and Government *khans* were not, I think, intended to be dealt with under the section in question. The fact that trees belonging to Government were to be found in lands of the last named descriptions which it would be criminal in the roots to cut and remove without permission, would not affect the matter, inasmuch as the sole test of the applicability of the section to any particular land was the answer to the question whether that land was or was not at the time under forest conservancy.

But if any given area was suitable for being converted into a reserved or protected forest, as the case might be, and to be subjected as such, to the provisions of the Forest Act, it really mattered very little whether Government declared that area to be a reserved or protected forest under section 34 or under section 19 or 28 of the Act. For if the respective rights of Government and private persons in such area had been already enquired into, settled and recorded in some sufficient manner, no harm could happen to anyone from the declaration being made under section 34, instead of under one of the other two sections. And if no such enquiry, etc., had been previously made, it is open to Government now, under the second proviso to section 34, to direct it to be made, if they have not already done so, and such enquiry, etc., will then have to be made in precisely the same manner as if the declaration had been made under section 19 or 28.

No doubt, however, any person whose interest may be adversely affected by a notification illegally issued under section 34 may sue Government to have that notification set aside. For instance, in protected forests an order of Government under section 29 (b) for suspending the rights of private persons for a term might be contested, and in reserved forests any order of a Forest Settlement Officer under sections 11 to 15 might be made the subject of litigation. But I believe that in the areas for which notifications under section 34 may be said to have been erroneously issued, few, if any, private rights are found to exist. For those in which none exist there can be no reason for cancelling the notification. And for those in which some do exist it is a question for the consideration of Government whether it would be more expedient to undo what has been done or to stand the risk of future litigation. Should any such litigation succeed, it will still be competent to Government at any time to issue a fresh legal notification for the area concerned under section 19 or 28, or at the worst the few suits likely to be brought may be compromised.

Upon the whole, therefore, I would not advise the cancellation of any notification under section 34 as regards any area which it is intended should remain as a reserved or a protected forest, unless the private rights in such area are numerous and likely to lead to difficulties.

But it seems that certain of the areas in the Thana District, which have been notified as protected forests under

section 34, are not needed at all for forest purposes and it is desired to disafforest them. It is necessary therefore to consider whether it is not competent to Government absolutely to cancel any notification issued by them under the Act declaring a certain area to be a protected forest

I am of opinion that it is competent to Government to do this. It appears from the Act that in protected forests no steps are taken for extinguishing private rights. Subject to the provision of clause (b), section 29, which renders them liable to be merely suspended for a term, such rights continue to exist just as if no notification had issued declaring the area in or over which they are exercisable a protected forest, so that, in truth, such a notification affects only the property of Government. Now it is obviously optional with Government to continue or discontinue on any portion of their own property the restrictions contemplated in protected forests, and it is, I think, because it was felt to be unnecessary specially to empower Local Governments to cancel notifications declaring certain areas to be protected forests that the Legislature inserted no such provision in the Forest Act. The power is one which naturally appertains to Government independently of legislative enactments. The case of reserved forests is different, (1st) because the Legislature thought it expedient to disallow the right of Local Governments to disafforest such forests without the previous consent of the Government of India, and (2nd) because it was necessary specially to provide that rights which have been extinguished in a reserved forest shall not revive in consequence merely of such forest ceasing to be a reserved forest. These two special provisions sufficiently account for section 26 of the Forest Act, which would otherwise, I think, have been unnecessary (Government Resolution No 1125, dated 23rd February 1881)

(2) Declaration under section 34 does not affect rights already settled.—A declaration under section 34 does not affect rights of Government or *private persons* which have previously been settled in a manner which Government think sufficient. It follows that where rights have either been admitted or *rejected in favour of Government* in such manner, the enquiry is not to be re-opened (Government Resolution No. 4576, dated 30th August 1879)

(3) Effect of order under the first proviso to section 34.—When the Legislature deems it necessary that Government should have power from time to time to alter or cancel

any order or decision which it passes under an enactment, special provision is inserted in this behalf in the enactment. In the absence of any such provision in the Forest Act regarding orders or decisions which Government may pass under the first proviso to section 34 of that Act, it must be held that the power does not exist.

The effect of the order of Government under the first proviso to section 34 of the Forest Act is to invest certain persons permanently with the rights admitted to appertain to them in the enquiry which Government hold to have been sufficient; and only an express provision of the law in very clear terms would be recognised by the Courts as authorizing Government at any time afterwards to bring into question or re-investigate such vested rights. (Government Resolution No. 5705, dated 14th August 1890.)

(4) Areas notified under section 34 cannot be again notified under section 4.—Though the enquiry into adverse rights, with which areas declared to be reserves under section 31 may be burdened, can be made in the manner prescribed in Chapter II and be settled accordingly, areas once notified as reserves cannot again be notified under section 4 without their previous disafforestation under section 26 (Government Resolution No. 5589, dated 14th August 1891.)

(5) Penal clauses when to apply to areas notified under section 34.—The penal clauses of the Indian Forest Act are applicable in cases in which the rights of Government or private persons to or over land notified as reserved forest under section 34 or the forest produce thereof have been enquired into, settled and recorded in a manner which Government think sufficient, as at a demarcation previous to notification or after the enquiry by a Forest Settlement Officer appointed under Chapter II of the Act. Government do not consider that prosecutions under the above mentioned clauses will lie with respect to lands in which a proper forest settlement or demarcation has not already been carried out or which are still the subject of enquiry by the Forest Settlement Officer, and regarding which his report has not yet been submitted to and approved by Government. (Government Resolution No. 2206, dated 26th April 1880, and Government Memorandum No. 6618, dated 14th December 1880.)

CHAPTER VI.

OF THE CONTROL OVER FORESTS AND LANDS
NOT BEING THE PROPERTY OF
GOVERNMENT

Protection of forests for special purposes. 35 The Local Government may from time to time, by notification in the local official Gazette, regulate or prohibit in any forest or waste land—

(a) the breaking up or clearing of land for cultivation :

(b) the pasturing of cattle ,

(c) the firing or clearing of the vegetation ,

when such regulation or prohibition appears necessary for any of the following purposes —

first, for protection against storms, winds, rolling stones, floods and avalanches ;

second, for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of landslips and of the formation of ravines and torrents, and the protection of land against erosion, or the deposit thereon of sand, stones or gravel ,

third, for the maintenance of a water-supply in springs, rivers and tanks ;

fourth, for the protection of roads, bridges, railways and other lines of communication

fifth, for the preservation of the public health, and may alter or cancel such notification.

The Local Government may, for any such purpose, construct at its own expense, in or upon any forest or waste land, such work as it thinks fit

Provided that no such notification shall be made or work begun until after the issue of a notice to the owner of such forest or land, calling on him to show cause, within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, and until his objections (if any) and any evidence he may produce in support of the same have been heard by an officer duly appointed in that behalf and have been considered by the Local Government.

(1) "Forest or waste land".—The term "forest or waste land" in section 35 of the Indian Forest Act must be interpreted in the same manner as the term in other parts of the Act. The opinion given as to the meaning of the terms 'forest land' and 'waste land' in sections 3 and 28 (*vide* note 1 under section 3) is equally applicable to the same terms in section 35. (Government Resolution No 4749, dated 20th June 1883)

(2) Whether action can be taken under section 35 in respect of land which is allowed to be fallow for certain periods in the course of cultivation.—Memorandum by Legal Remembrancer:—The word "waste" according to Webster means "lying unused". The waste land referred to in the Forest Act is land which has never been cultivated or land which there is no present intention to cultivate. Land which is allowed to be fallow for certain periods in the course of cultivation cannot be considered waste land in the sense in which that expression is used in the Act. (Government Resolution No 5359, dated 30th April 1917.)

(3) Fire protection in private forests.—Section 35 relates to the regulation or prohibition, in forests or waste lands which are not the property of Government, of the firing or clearing of vegetation, which are voluntary acts, and does not deal with remissions of owners in the matter of conservancy, whereby forests are burnt contrary to the wish and interests of the owners. There is no power in the Act which would enable Government to require owners of private forests to make fire traces. (Government Resolution No. 10632, dated 1st September 1917.)

Power to
assume
manage-
ment of
forests

36. In case of neglect of, or wilful disobedience to, any regulation or prohibition under section 35, or if the purposes of any work to be constructed under that section so require, the Local Government may, after notice in writing to the owner of such forest or land and after considering his objections (if any), place the same under the control of a Forest officer, and may declare that all or any of the provisions of this Act relating to reserved forests shall apply to such forest or land.

The net profits (if any) arising from the management of such forest or land shall be paid to the said proprietor.

Expro-
priation
of forests
in certain
cases

37. In any case under this Chapter in which the Local Government considers that, in lieu of placing the forest or land under the control of a Forest officer, the same should be acquired for public purposes, the Local Government may proceed to acquire it in the manner prescribed by the Land Acquisition Act, 1870.¹

X of 1870

The owner of any forest or land comprised in any notification under section 35 may, at any time not less than three or more than twelve years from the date thereof, require that such forest or land shall be acquired for public purposes, and the Local Government shall acquire such forest or land accordingly.

Protection
of forests
at request
of owners

38. The owner of any land or, if there be more than one owner thereof, the owners of shares therein amounting in the aggregate to at least two-thirds thereof may, with a view to the formation or conservation of forests thereon, represent in writing to the Collector or Deputy Commissioner their desire—

(a) that such land be managed on their behalf by the Forest officer as a reserved or a protected forest on such terms as may be mutually agreed upon; or

¹ Read now the Land Acquisition Act, 1894 (1 of 1894), General Acts Vol. IV

(b) that all or any of the provisions of this Act be applied to such land.

In either case, the Local Government may, by notification in the local official Gazette, apply to such land such provisions of this Act as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

Any such notification may be altered or cancelled by a like notification.

Leased lands.—Lands which Government hold from their owners on lease cannot be converted into reserved forests. Nor do such lands properly fall under section 38 of the Forest Act. (Government Resolutions Nos. 3021, dated 14th May 1887, 9344 and 9346, dated 26th November 1884, and 2520, dated 10th April 1891.)

CHAPTER VII.

OF THE DUTY ON TIMBER AND OTHER FOREST PRODUCE.¹

39. The Local Government [²subject to the ^{Power to} control] of the Governor General in Council, may ^{impose} levy a duty in such manner, at such places and at ^{duty on} such rates as it may from time to time prescribe by ^{timber} notification in the local official Gazette on all timber ^{and other} forest-^{forest-}produce ^{produce} [³or other forest produce]—

(a) which is produced in British India and in respect of which the Government has any right;

(b) which is brought from any place beyond the frontier of British India:

[⁴Provided that a notification directing the levy of a duty, in the case of timber and other forest-produce brought from any place beyond the frontier

¹ This heading was substituted for the original heading by the Forest Act, 1890 (V of 1890), s. 8 (1), General Acts, Vol. V.

² The words "subject to the control" were substituted for the words "with the previous sanction" by Act XV of 1911.

³ These words were inserted by Act V of 1890.

⁴ This proviso was added by Act XV of 1911.

of British India, which is not under the control of the Local Government, shall not be issued without the previous sanction of the Governor General in Council.]

Power to
fix value
for ad
valorem
duty

In every case in which such duty is directed to be levied *ad valorem*, the Local Government may, [subject to the like control or sanction, respectively,] from time to time fix, by like notification, the value on which such duty shall be assessed.

All duties on timber [² or other forest produce], which, at the time when this Act comes into force in any territory, are levied therein under the authority of the Local Government, shall be deemed to be and to have been duly levied under the provisions of this Act.

Read note (1) under section 31.

Limit not
to apply
to pur-
chase-
money, or
royalty

40. Nothing in this Chapter shall be deemed to limit the amount (if any) chargeable as purchase-money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

CHAPTER VIII.

OF THE CONTROL OF TIMBER AND OTHER FOREST PRODUCE IN TRANSIT

Power to
make rules
to regulate
transit of
forest-
produce

41. The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber and other forest produce in transit by land or water, is vested in the Local Government, and it may from time to time make rules to regulate the transit of all timber and other forest produce.

Such rules may (among other matters)—

(a) prescribe the routes by which alone timber [³ or other] forest produce may be

¹ The words "subject to the like control or sanction, respectively," were substituted for the words "with the like sanction" by Act XV of 1911

² These words were inserted by Act V of 1890

³ These words were substituted for the words "and other" by the Forest Act, 1890 (V of 1890), s. 8 (3), General Acts, Vol. IV.

imported, exported or moved, into, from or within, British India ;

(b) prohibit the import and export or moving of such timber or other produce without a pass from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass :

(c) provide for the issue, production and return of such passes and for the payment of fees therefor :

(d) provide for the stoppage, reporting examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to Government on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or to which it is desirable for the purposes of this Act to affix a mark ;

(e) provide for the establishment and regulation of depôts to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it ; and the conditions under which such timber or other produce shall be brought to, stored at and removed from such [¹depôts].;

(f) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brushwood, branches and leaves into any such river or any act which may cause such river to be closed or obstructed ;

(g) provide for the prevention and removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same ;

¹ "Depôts" was substituted for "depôt" by the Repealing and Amending Act, 1891 (XII of 1891), General Acts, Vol. IV.

(h) prohibit absolutely or subject to conditions, within specified local limits, the establishment of saw-pits, the converting, cutting, burning, concealing or marking of timber, the altering or effacing of any marks on the same, and the possession or carrying of marking hammers or other implements used for marking timber ;

(i) regulate the use of property-marks for timber, and the registration of such marks ; prescribe the time for which such registration shall hold good ; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

[¹ The Local Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area.]

NOTE.—For rules and orders under this section see articles 159 to 180, and for officers empowered under the rules of this section see articles 88 to 92, Part II

Penalty
for breach
of rule
made un-
der sec-
tion 41

42. The Local Government may, by such rules, prescribe as penalties for the infringement thereof imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

Double penalties may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or if the offender has been previously convicted of a like offence.

Govern-
ment and
Forest
officers not
liable for
damage to
forest
produce
at depôt.

43. The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a depôt established under a rule made under section 41, or while detained elsewhere for the purposes of this Act ; and no Forest-officer shall be responsible for any such loss or damage unless he causes such

¹ This paragraph was added by the Forest Act, 1890 (V of 1890), s. 8 (4), General Acts, Vol. IV.

loss or damage negligently, maliciously or fraudulently.

44. In case of any accident or emergency involving danger to any property at any such depôt, every person employed at such depôt, whether by the Government or by any private person, shall render assistance to any Forest-officer or Police-officer demanding his aid in averting such danger and securing such property from damage or loss.

All persons bound to aid in case of accident at depôt

CHAPTER IX.

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER.

45. All timber found adrift, beached, stranded or sunk ;

all wood or timber bearing marks which have not been registered under section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise, and,

in such areas as the Local Government directs, all unmarked wood and timber,

Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly

shall be deemed to be the property of Government unless and until any person establishes his right and title thereto, as provided in this Chapter.

Such timber may be collected by any Forest-officer or other person entitled to collect the same by virtue of any rule made under section 51, and may be brought to such depôts as the Forest-officer may from time to time notify as depôts for the reception of drift timber.

The Local Government may, by notification in the local official Gazette, exempt any class of timber from the provisions of this section, and withdraw such exemption.

(1) Meaning of the word "timber" used in section 45.—Flotsam or jetsam, such as a cask, boat, table or raft, cannot be deemed to be drift timber, within the meaning

of section 45 The definition of the word "timber" in this Act does not imply that cart-wheels, mortars, canoes, etc., are included in the term but merely that all wood, that is to say, the vegetable produce known as "wood", whether it has been cut and shaped for any purpose or is in its pristine form, is timber

For instance no one would describe a derelict as drift wood, though a floating spar, masts, boards, or other parts of boats, beams, rafters, etc., from houses destroyed by floods, or which may have in any way been washed away, might without anything strange in the language be denominated as wood. (L R No 1255, dated 21st September 1882, *vide* Government Resolution No 6919 dated 6th October 1882)

NOTE—Since this opinion was recorded by the Remembrancer of Legal Affairs, the definition of the term "timber" (*vide* section 2) has been slightly altered by Act V of 1890 The previous definition ran as follows—

"Timber includes trees and bamboos when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for cart-wheels, mortars, canoes or other purposes or not"

(2) Right of Government under section 45 to collect and store drift and stranded timber with obligation to notify.—The object of Chapter IX of the Indian Forest Act is to regulate the rights of owners, and not to deprive them of their property in drift and stranded timber and wood Section 45 of that Act does not divest the owner of, or transfer to the Government, any right therein Nor does anything in the Act affect the right of the Government to take possession and dispose of timber and wood whereof they are the undisputed owners But upon certain conditions only, the Government have a right to the possession of any drift and stranded timber and wood collected by their officers, which, however, may be claimed by the true owner, who may be a person holding a jalkar or water right comprehending those things The conditions are that the officers of Government shall store the timber in the manner, and issue the notifications, required by the Act. In case of such procedure not being followed, and the wood being treated as the property of the Government, the latter are in the event of the wood being found not to belong to them, in no better position than any other trespasser The title to collect given to the Government by the Act is coupled with, and dependent upon, the duty of giving notice to the public, in order that the true owner, whether he be a person

from whom the wood has drifted away or the owner of a jalkar, or however he may be entitled, may claim the drifted timber in the manner, and within the time, prescribed by the Act. There is no presumptive ownership of the Government save where their officers collect and hold for the true owner, in the first instance subject to the statutory duty of giving notice. (*Amriteswari Dohi v. Secretary of State for India*, I L. R. 24 Cal. 504; L. R. I. A. 33; I-C. W. N. 249.)

46. Public notice shall from time to time be given by the Forest-officer of timber collected under section 45. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim. Notice to claimants of drift timber.

47. When any such statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant. Procedure on claim preferred to such timber.

If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Courts, and retain the timber pending the receipt of an order from any such Court for its disposal.

Any person whose claim has been rejected under this section may [within three months], from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the Government, or against any Forest-officer, on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section. On rejection of claim to such timber, claimant may institute suit.

No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been

¹ These words were substituted for the words "within two months" by the Forest Act, 1890 (V of 1890), s. 9, General Acts, Vol. IV.

delivered, or a suit has been brought, as provided in this section.

Disposal
of un-
claimed
timber

48. If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period prescribed by the notice issued under section 46, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period limited by section 47, the ownership of such timber shall vest in the Government, or, when such timber has been delivered to another person under section 47, in such other person free from all encumbrances [¹ not created by him].

Govern-
ment and
its officers
not liable
for dam-
age to
such tim-
ber*

49. The Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 45, and no Forest-officer shall be responsible for any such loss or damage unless he causes such loss or damage negligently, maliciously or fraudulently.

Payments
to be made
by claim-
ant
before
timber is
delivered
to him.

50. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest-officer or other person entitled to receive it such sum on account thereof as may be due under any rule made in pursuance of section 51.

Power to
make rules
and
prescribe
penalties

51. The Local Government may, from time to time, make rules to regulate the following matters (namely):—

(a) the salving, collection and disposal of all timber mentioned in section 45 ;

(b) the use and registration of boats used in salving and collecting timber ;

(c) the amounts to be paid for salving, collecting, moving, storing and disposing of such timber ;

(d) the use and registration of hammers and other instruments to be used for marking such timber.

¹ These words were added by Act V of 1890, s 10

The Local Government may from time to time prescribe, as penalties for the infringement of any rules made under this section, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

NOTE.—For rules under this section see articles 181 and 182, Part II.

CHAPTER X.

PENALTIES AND PROCEDURE.

52. When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, carts and cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer. Seizure of property liable to confiscation.

Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made : Application for confiscation

Provided that, when the forest-produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Read note (6) under section 25 and note (1) under section 73.

* 52A. Any Forest-officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any tools, boats, carts or cattle under the provisions of section 52, may release the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction Power to release property seized under section 52.

* This section was added by Act I of 1918.

to try the offence on account of which the seizure has been made.

Procedure
there-
upon.

53. Upon the receipt of any such report the Magistrate shall, with all convenient despatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

Forest
produce,
tools, etc.,
when
liable to
confis-
cation

54. All timber or forest-produce which is not the property of Government and in respect of which a forest-offence has been committed, and all tools, boats, carts and cattle used in committing any forest-offence, shall be liable to confiscation.

Such confiscation may be in addition to any other punishment prescribed for such offence.

(1) Order confiscating Government property cannot be passed—No order confiscating forest produce which is the property of Government, in respect of which a forest-offence has been committed, is necessary or can be made. All that need be done is to direct a Forest-officer to take charge of such forest-produce. An order directing the confiscation of forest-produce not belonging to Government, in respect of which a forest-offence has been committed, can only be made at the time the offender is convicted. (Nathu Khan, J L R 4 All 417; Ramaji, C. R. 3 of 1889)

(2) Order of confiscation to be simultaneous with other punishment.—The accused were convicted under section 25 and sentenced to pay fines. By a subsequent order under section 51 their boats were confiscated. *Held* that under the terms of section 51 an order of confiscation cannot be regarded as an order incidental on the conviction. The confiscation is by the terms of that section declared to be a punishment, for it is in addition to any other punishment prescribed for the offence. That, being a punishment, the order should have been passed simultaneously with the other punishment for the offence of which the accused have been convicted. (Aundddi Sheik, 27 Cal 150)

Disposal,
on con-
clusion of
trial for
forest-
offence, of

55. When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken

charge of by a Forest-officer and in any other case may be disposed of in such manner as the Court may direct.

produce in respect of which it was committed.

(1) Proper order to be made regarding Government property.—When the forest-produce, in respect of which an offence is committed, is found to be the property of Government the only order which the Magistrate can legally make regarding it under section 55 is that it should be taken charge of by a Forest-officer. An order for its sale and the payment of a reward to the informer from its proceeds is therefore illegal. (Ramaji, C. R. 3 of 1888.)

(2) Disposal of Government property.—Section 55 is imperative. If an offence with reference to any forest property be committed, the property must be ordered to be returned to the Forest-officer. (Mahomed Shekubhal, 5 Bom. L. R. 124.)

(3) Read note (2) under section 2.

56. When the offender is not known, or cannot be found, the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest officer, or to be made over to the person [¹ whom the Magistrate deems to be entitled to the same]:

Procedure when offender not known or cannot be found.

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person (if any) claiming any right thereto, and the evidence (if any) which he may produce in support of his claim.

Forfeiture not a consequence of a forest-offence.—Under the orders issued by the Collector of Khandesh, certain Bhils entered the forest, brought from it teak logs under the customary passes and sold them in open market to applicants who purchased in good faith. The Government sought to forfeit those logs on the ground that a forest-offence had been committed in respect of them, inasmuch

¹ These words were substituted for the words "whom he deems to be entitled to the same" by the Forest Act, 1890 (V of 1890), s. 11, General Acts, Vol. IV.

as the permission under which the Bhils acted only allowed them to cut dead-wood and the logs did not fall under that description, and that the offenders could not be found.

Held, ordering the logs to be restored to the custody of purchasers, that it was clear from the terms of section 56 that a forfeiture was not a consequence of a forest-offence, under the conditions stated in that section, where a good title had vested in a third person (Bhau Yedu Patil, 2 Bom L R 675)

Procedure
as to
perishable
property
seized
under
section 52.

57. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

Appeal
from
orders
under sec-
tions 54,
55 and 56

58. The officer who made the seizure under section 52, or any of his official superiors, or any person claiming to be interested in the property so seized may, within one month from the date of any order passed under section 54, 55 or 56, appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Property
when to
vest in
Govern-
ment

59. When an order for the confiscation of any property has been passed under section 54 or 56, as the case may be, and the period limited by section 58 for an appeal from such order has elapsed and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all incumbrances.

Saving of
power to
release
property
seized

60. Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the Local Government from directing at any time the immediate release of any property seized under section 52.

Punish-
ment for
wrongful
seizure.

61. Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation

under this Act shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

62. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code, Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks.

(a) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person ; or

(b) alters, defaces or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest-officer ; or

(c) alters, moves, destroys or defaces any boundary mark of any forest or waste-land to which the provisions of this Act are applied. shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

63. Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards. Power to arrest without warrant.

Every officer making an arrest under this section shall without unnecessary delay [¹ and subject to the provisions of this Act as to release on a bond] take or send the person arrested before the Magistrate having jurisdiction in the case, [² or to the officer in charge of the nearest police station].

Nothing in this section shall be deemed to authorize such arrest for any act which is an offence under Chapter IV of this Act, unless such act has been prohibited under section 29, clause (c).

¹ These words were inserted by Act I of 1918.

² These words were inserted by Act V of 1890.

(1) A Forest-officer has no authority to keep an arrested person in confinement.—Section 63 provides that any Forest-officer may arrest without warrant any person "against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards" He is bound to take or send any person so arrested before the Magistrate without unnecessary delay. Section 223 of the Indian Penal Code contemplates the "keeping in confinement" a person who is charged with or convicted of any offence or lawfully committed to custody, and not of a person who is arrested and taken at once before a Magistrate on suspicion of being concerned in any offence. A Forest-officer has no authority to keep in confinement any person charged with having committed a forest-offence. A person who is arrested on suspicion by a Forest-officer cannot be said to be "charged with having committed a forest-offence". Section 223 of the Indian Penal Code provides for a more serious kind of offence than such an act of negligence as that of a forest-guard who negligently suffers a person arrested on suspicion of having committed a forest-offence to escape, which can only be punished departmentally by fine, suspension or dismissal (Government Resolution No. 5459, dated 21st September 1881.)

(2) Read note (10) under section 25 and paragraph 7 of the Legal Remembrancer's report given under Article 188, Part II.

Power to
release on
a bond a
person
arrested

¹ 63A. Any Forest-officer of a rank not inferior to that of a Ranger who, or whose subordinate, has arrested any person under the provisions of section 63, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer in charge of the nearest police-station.

Power to
prevent
commis-
sion of
offence.
Power to
try
offences
summarily.

64. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

65. The Magistrate of the district² and any Magistrate of the first class specially empowered in

¹ This section was added by Act I of 1918

² Now District Magistrate—see the Code of Criminal Procedure, 1898 (Act V of 1898), s. 3, General Acts, Vol V. See now the revised edition of the Code as modified up to 1st April 1903.

this behalf by the Local Government may try summarily under the Code of Criminal Procedure,¹ any forest-offence punishable only with imprisonment for a term not exceeding six months or fine not exceeding five hundred rupees, or both.

66. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under such other law to any higher punishment or penalty than that provided by the rules made under this Act :

Operation of other laws not barred.

Provided that no person shall be punished twice for the same offence.

Operation of general criminal law.—No inference can be drawn as to the intention of the legislature that it prevents the operation of general criminal law by the passing of a special Act which Act nowhere expressly sets out any such intention. Section 66 of the Forest Act considered. (Imam Bakhsh, P. R. 10 of 1885)

* 67. (1) The Local Government may, from time to time, by notification in the official Gazette, empower a Forest-officer by name, or as holding an office,—

Power to compound offences.

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in section 61 or section 62, a sum of money by way of compensation for the offence which such person is suspected to have committed, and,

(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such

¹ This reference should now be taken as being made to Act V of 1898

* This section was substituted for the original s. 67 by the Forest Act, 1890 (V of 1890), s. 13, General Acts, Vol. IV.

officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(3) A Forest-officer shall not be empowered under this section unless he is a Forest-officer of a rank not inferior to that of a Ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under sub-section (1), clause (a), shall in no case exceed the sum of fifty rupees.

(1) Meaning of the words "such officer" in clause (2).—A District Magistrate having reported a case to the High Court under section 438, Criminal Procedure Code, stated that, in his opinion, the prosecution and conviction of an accused under section 25 of the Forest Act was illegal, after a Range Forest officer, not empowered so to do, had accepted compensation from him under section 67 of the Act, as amended by section 13 of Act V of 1890. *Held* that the conviction of the accused and the sentence passed upon him under section 25 were not illegal, as the Forest-officer who accepted the compensation was not an officer empowered so to do, that the words "such officer" in clause 2 of section 67 meant an officer empowered and that, therefore, the case did not fall within clause 2 (Ganu, C R 6- of 1892)

(2) Acceptance of compensation by officers not empowered is illegal.—The acceptance of compensation by officers not empowered by name or as holding an office to accept compensation is clearly illegal, and when payment to such unempowered officers is induced by threat of prosecution or by restraint, it might amount to an offence under the Indian Penal Code

(3) Compensation cannot be demanded.—Section 67 does not contemplate threat of prosecution or demand of compensation even by an officer empowered under the section

(4) Compensation is not for damage but for offence.—Under section 67 compensation is allowed not for the *damage* but for the *offence*, i.e., for the actual criminality of the act, and the only limit placed is that in sub-section (3), requir-

ing that the officer empowered should be in receipt of Rs. 100 per monsem, and that the sum accepted as compensation should in no case exceed Rs 50.

(L. R. No. 1246, dated 25th August 1892, *vide* Government Resolution No. 7907, dated 6th October 1892)

(5) **Recovery of compensation by coercive process.**—A Forest-officer duly empowered under section 67 is authorized to accept *money* and not a *promise* to pay the same. If no money is paid and accepted by way of compromise under section 67, the only alternative for the Forest-officer would be to prosecute the party concerned. The object of section 67 is evidently to avoid the worry and harassment attendant on prosecutions, and at the same time to guard the interests of Government against present and prospective loss. The settlement to be effected under this section is essentially an amicable settlement, and it entirely depends on the free will and choice of the suspected offender on the one hand and the Forest-officer on the other. To import, therefore, an element of compulsion, such as the recovery of the money by revenue process, is distinctly ~~opposed~~ both to the letter and the spirit of the provisions of section 67. It is clear from the wording of section 67 that the Forest-officer is not to complete the settlement of the case before the receipt of the money agreed on, and that any settlement made by him on the mere promise of a suspected offender is null and void. (Government Resolution No. 5905, dated 29th August 1891.)

(6) For officers empowered under this section see articles 85, 87 and 96, Part II.

68. When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved. Presumption that forest-produce belongs to Government.

CHAPTER XI.

CATTLE TRESPASS.

69. Cattle trespassing in a reserved forest or in any portion of a protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damage to a public plantation within the Cattle-trespass Act, 1871, to apply.

meaning of the 11th section of the Cattle-trespass Act, 1871, and may be seized and impounded as ^{I of 1871.} such by any Forest-officer or Police-officer.

(1) What amounts to trespass.—The accused forcibly opposed the seizure of their cattle by village officers who found them grazing in a reserved forest. The 2nd class Magistrate acquitted them on the ground that there was no trespass as the cattle had not gone into the reserved forest of themselves, but had been driven into it by the accused. *Held*, reversing the order of the acquittal, that under Act VII of 1878, section 69, and Act I of 1871, section 11, the cattle were liable to seizure (C. R. 22 of 1892)

(2) Cattle straying in reserved forest.—Section 11 of the Cattle-trespass Act, 1871, in which the words "or found straying thereon" occur having been applied to forests by section 69 of the Indian Forest Act the seizure by a Forest-officer of cattle found straying in a reserved forest is legal, even if no damage has actually been done. (Babaji Laxman, C. R. 35 of 1897)

(3) Compensation for damage in case of conviction under section 24, Cattle-trespass Act.—Accused was charged before a 3rd class Magistrate with the offence of forcibly rescuing cattle lawfully seized while grazing in a forest and convicted under section 24 of the Cattle-trespass Act and sentenced to pay Rs. 5 as fine and Rs. 2 in addition as compensation for the damage done to the forest. The fine and compensation were recovered and credited to Government. *Held*, that the order directing payment of compensation which was apparently passed under section 515, Criminal Procedure Code, was illegal as such compensation could only be ordered to be paid out of the amount of the fine. The order of the Magistrate was accordingly varied by directing that the amount of Rs. 2 paid as compensation be restored to the accused, and that such compensation should be paid out of the fine imposed. (C. R. 12 of 1903)

(4) Levy of charges for impounding inadmissible.—On the question whether charges of coolies employed on seizing cattle found trespassing in forest and taking them to a pound can be legally recovered from the owner under

section 13 of the Cattle-trespass Act, the following Resolution was passed:—

"Section 12 of the Act prescribes the fines that may be levied. It indicates also what 'charge,' (for feeding and watering cattle) may be levied as the condition for releasing impounded animals. No other claim can be legally made." (Government Resolution, General Department, No 1391, dated 2nd May 1888)

70. The Local Government may from time to time, by notification in the local official Gazette, direct that in lieu of the fines fixed by the 12th section of the Act last aforesaid, there shall be levied for each head of cattle impounded under section 69 of this Act such fines as it thinks fit, but not exceeding the following, that is to say:—

For each elephant	..	..	ten rupees.
For each buffalo or camel	..	..	two rupees.
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	..	..	one rupee.
For each calf, ass, pig, ram, ewe, sheep, lamb, goat, or kid	..	..	eight annas.

CHAPTER XII.

OF FOREST-OFFICERS.

71. The Local Government may invest any Forest-officer by name, or as holding an office, with the following powers, that is to say:—

(a) power to enter upon any land and to survey, demarcate and make a map of the same,

(b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

X of 1872. (c) power to issue a search-warrant under the Code of Criminal Procedure¹;

(d) power to hold an inquiry into forest-offences, and, in the course of such inquiry, to receive and record evidence.

Any evidence recorded under clause (d) of this section shall be admissible in any subsequent trial

¹ *Read now* the Code of Criminal Procedure, 1898 (Act V of 1898). See now the revised edition of the Act, as modified up to 1st April 1901.

before a Magistrate, provided that it has been taken in the presence of the accused person.

For officers empowered under this section see articles 85, 86 and 93, Part II

Forest-
officers
deemed
public
servant

72. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.

XIV of
1860

A person giving information before a Forest-officer is bound to give true information.—A Forest-officer being, under section 72 of the Forest Act, a public servant within the meaning of the Indian Penal Code, any false information given to him with the intent mentioned in section 182 of the Indian Penal Code is punishable under that section whether that information is volunteered by the informant or given in answer to questions put to him by the officer. (Ramji Sajabnao, 10 Bom. 121)

Indemnity
for acts
done in
good faith. Act.

73. No suit shall lie against any public-servant for anything done by him in good faith under this Act.

Conditions precedent to protection by law.—The following judgment of the High Court in appeal No 61 of 1889 (in the case of Mr. Waman Ramchandia Gavande, Sub-Assistant Conservator of Forests, v Dipchand Balkisan) shows that officers when discharging their duties with ordinary care and discretion are protected, even in a case of mistake, by any authority which in fact they have and which covers the particular act on which some person may sue as a wrong —

“This is a suit brought against the defendant, an officer in the Forest Department, for having caused damage to the plaintiff by reason of ‘his misconduct and his acting contrary to the law’ The defendant justified his conduct under section 73 of the Indian Forest Act, VII of 1878, alleging that what was done by him was done in good faith

“It is not in dispute that the carts containing the plaintiff’s timber were stopped by the defendant on their way up the ghat to Poona, and the defendant himself admits that he did so, suspecting that the timber had been taken out of Government forests Further, it is not in dispute that on the arrival of the plaintiff, who was some way behind the carts, he was asked by

defendant if he had a pass, and that he replied that his servant had it; that the servant arrived the next day, when he produced a document which purported to be a pass given by the original owner to the plaintiff as purchaser of the timber. It was not contended that such a pass was a valid one under the rules made by Government with the sanction of Government of India in virtue of the Forest Act, there being no evidence that the owner, although he was a Patel of the village, had authority to grant passes. The District Court, however, thinks it ought to have satisfied the defendant. This view is one in which we cannot concur, the pass not being a valid one—and although his principal motive at the time may have been that he suspected the timber had been stolen from Government forests, it is open to him now to justify the seizure on the ground of the commission of a forest offence arising from the want of a valid pass.

“It is said, indeed, by the District Court that owing to a Resolution of Government, No. 5137, dated the 7th July 1884 (exhibit No. 40), a pass was not necessary. It is sufficient to say that that Resolution only referred to ‘teak’, the ownership of which was in dispute between the Government and the occupants of the land on which it was grown, and, moreover, can only be understood (assuming that the Government intended to pass a Resolution *intra vires*) as settling the question whether such owners could move their timber as contemplated by clause (c) of Rule 13 without passes. But that clause clearly only allows timber to be moved within the confines of the village and has no application to this timber, which was being transported to Poona for sale. The defendant was, therefore, clearly entitled by law to seize the carts. But it was urged before us that although he might have been entitled to seize them he ought not to have detained them from 18th January till 22nd June. As to this the evidence shows that defendant wrote exhibit 42 on 24th January to the Forest Ranger of Kolaba stating his suspicion that it was not ‘*malhi*’ but Government timber, and asking him to make inquiries, he also reported on 25th January 1886 what he had done to his superior officer, the Divisional Conservator of Forests of the Poona District. The plaintiff says he frequently asked the defendant to give him up the timber between January and May 1886 and was told by

defendant that he could not do so until he got an answer, and that at last in May 1886 he himself wrote to the Divisional Conservator, the result of which was that the defendant was directed to deliver the timber to the plaintiff.

"Looking at section 52 we agree with the District Judge that the defendant cannot justify the detention on the ground of an offence against the Forest Laws, not having taken the course which that section requires of bringing the matter before a Magistrate. But suspecting as he did that the timber had been taken from a Government forest, we think the defendant was justified, under the circumstances, in laying the matter before his superior officer and waiting for his orders. The circumstance that there had been robberies from Government jungles in the neighbourhood from which the timber came, as stated by defendant, and which was not denied, coupled with the absence of a valid pass from the authorities, was sufficient to justify his suspicion that it was not *malli* timber and his detaining the timber until he received orders from his superior on the subject, and he cannot be held personally liable for the delay which occurred in obtaining them.

"It is said, indeed, that the defendant was afterwards shown a letter procured by the plaintiff at the defendant's desire, stating that the Patel had sold the timber from his *malli* number to plaintiff, and that he took the objection that it was not signed by the Kul-karni. Such an objection, we think, was one which the defendant might reasonably and in good faith take, and if plaintiff thought that the letter was sufficient for the purpose he could have taken it or asked defendant to send it to the Divisional Conservator of Forests in whose hands the matter then was, and, as we cannot doubt, with the plaintiff's full knowledge. Upon the whole, we think that the defendant acted throughout in good faith and has satisfactorily justified his conduct under section 73 of the Act.

"That the question should have remained with the superior forest authorities in suspense until May is necessarily matter of surprise, and if Government are unable to give some satisfactory explanation of it, the plaintiff is, to say the least, entitled to favourable consideration at their hands.

"We must, therefore, reverse the decree and dismiss the plaint, with costs throughout on plaintiff.

C. SARGENT.

K. T. TELANG."

(Government Resolution No. 6528, dated 15th September 1890.)

74. Except with the permission in writing of the Local Government, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease of any forest or in any contract for working any forest, whether in British or Foreign territory.

Forest-officers not to trade.

CHAPTER XIII.

SUBSIDIARY RULES.

75. The Local Government may from time to time make rules—

(a) to prescribe and limit the powers and duties of any Forest-officer under this Act;

Additional powers to make rules.

(b) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscations under this Act;

(c) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation of private persons; and,

(d) generally, to carry out the provisions of this Act.

157-A.

For rules under this section see articles 208, 210 and 219, Part II.

76. Any person breaking any rule under this Act, for the breach of which no special penalty is provided, shall be punished with imprisonment for a term which may extend to one month, or fine which may extend to five hundred rupees, or both.

Penalties for breach of rules.

Cutting of teak trees in Khoti Khasgi lands.—Held, that as the right to teak and other forest trees grown on Khoti Khasgi lands was transferred to the owners of those lands by Mr. Dunlop's proclamation dated March 1st, 1824,

and as that right having been once conferred could not be withdrawn by the subsequent proclamation of 1851, a Watan-dar Khot who cuts down teak trees growing on his Khoti Khargi land cannot be convicted of an offence under section 76 of the Forest Act. (Antaji Keshao Tambe, C. R. 5 of 1893)

Rules
when to
have force
of law.

¹ 77. All rules made by the Local Government under this Act shall be published in the local official Gazette, and shall thereupon, so far as they are consistent with this Act, have the force of law.²

CHAPTER XIV.

MISCELLANEOUS

Persons
bound to
assist
Forest
officers
and Police-
officers.

78. (1) Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle in, such forest, and

every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information he may possess respecting the commission of, or intention to commit, any forest-offence and [³ shall forthwith take steps, whether so required by any Forest-officer or Police-officer or not.—

(a) to extinguish any forest fire in such forest of which he has knowledge or information ;

⁴ (b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest.]

[⁴ and shall assist any Forest-officer or Police-officer demanding his aid]—

¹ See also s. 23 of the General Clauses Act, 1897 (X of 1897), General Act, Vol. IV.

² The proviso to this section was repealed by Act XV of 1911

³ The concluding portion of paragraph 1 and clauses (a) and (b) were substituted for the original by Act I of 1918

⁴ These words were inserted by Act V of 1901

(c) in preventing the commission in such forest of any forest-offence ; and

(d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

“(2) Any person who, being bound so to do, without lawful excuse (the burden of proving which shall lie upon such person) fails—

(a) to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information required by sub-section (1) ;

(b) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved or protected forest ;

(c) to prevent, as required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest ; or

(d) to assist any Forest-officer or Police-officer demanding his aid in preventing the commission in such forest of any forest-offence, or, when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender,

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Refusal to serve as member of a panch.—A person was convicted under section 187 of the Indian Penal Code for refusing, when called on by a forest guard, to serve as one of a *panch* for the purpose of drawing up a *panchnama* with reference to certain wood alleged to have been illegally cut in a reserved forest. *Held*, that the conviction was illegal. The accused was not shown to be one of the persons contemplated by the first three paragraphs of section 78 of the Indian Forest Act nor was the purpose for which he was called upon to give his assistance one of the purposes mentioned in clauses (a) to (d) of the section. He was therefore not legally bound to assist the forest guard. (*Queen-Empress v Babaji*, I L R. 22 Bom. 769)

* This sub section was added by Act I of 1918.

Manag-
ment of
forests
the joint
property
of Govern-
ment and
other
persons

79. If the Government and any person be jointly interested in any forest or waste-land, or in the whole or any part of the produce thereof, the Local Government may from time to time either—

(a) undertake the management of such forest, waste-land or produce, accounting to such person for his interest in the same: or

(b) issue such regulations for the management of the forest, waste-land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

When the Local Government undertakes, under clause (a) of this section, the management of any forest, waste-land or produce, it may from time to time, by notification in the local official Gazette, declare that any of the provisions contained in Chapters II and IV of this Act shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

Failure to
perform
service
for which
a share in
produce of Govern-
ment
forest is
enjoyed

80. If any person be entitled to a share in the produce of any forest which is the property of Government or over which the Government has proprietary rights, or to any part of the forest-produce of which the Government is entitled, upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the Local Government that such service is no longer so performed:

Provided that no such share shall be confiscated until the person entitled thereto, and the evidence (if any) which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the Local Government.

Recovery
of money
due to
Govern-
ment

81. All money payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due,

be recovered under the law for the time being in force as if it were an arrear of land-revenue.

Recovery from persons resident in Native States.—Memorandum by Legal Remembrancer :—Government calls for my opinion as to the legal course to be adopted for the recovery from persons resident in Native States of monies due, which in the Bombay Presidency would be recoverable as arrears of land-revenue.

In the particular instance referred to, a man bought Government timber for Rs. 209, deposited Rs. 43, and never paid the rest. The timber on resale by the Forest Department realized only Rs. 114. The balance of Rs. 52 has yet to be recovered. The purchaser, however, after the sale went and lived in a Native State. The Political Agent expressed his inability to realize the deficit as an arrear of land-revenue.

The statement of the Law contained in the preamble to Government Resolution No. 2877, Revenue Department of 21st May 1881, appears to be indisputably correct and equally applicable to Native States as to Districts in another Presidency.

There appear to be two courses open therefore :—

(a) to wait till the debtor re-appears in British territory, and then enforce recovery under the Bombay Land Revenue Code, against any available property he may have with him, the balance of the price being, as pointed out in Government Resolution No. 7373 of 6th November 1888 (*vide* order under section 82), still recoverable as land-revenue, or

(b) to file a suit against him in the Court within whose jurisdiction the cause of action arose, the service of summons being effected under section 89 or section 90, Civil Procedure Code, as amended by section 12 of Act VII of 1888, as the case may be, and on decree being obtained execution will probably be obtainable, by transfer of the decree to the appropriate Court established or continued by the authority of the Governor General in Council in the territories of the Native State, if the Governor General in Council has by notification in the *Gazette of India* declared section 229A, Civil Procedure Code, as amended by section 24 of Act VII of 1888, to apply thereto.

If section 229A has not been made applicable to the Native State in question, there would be apparently no

means of executing the decree till the debtor appears in British territory. If he does so re-appear he might be called on to give security to appear and answer any decree that might be passed against him (section 447, Civil Procedure Code), and on failure to give security he might under section 181 be detained till he complies.

Otherwise there appears to be no remedy unless Government should decide to sue the debtor in a Court having jurisdiction in the Native State in question. (Government Resolution No 7103 of 20th September 1889.)

NOTE.—The above references to the Civil Procedure Code are to the old Code. See now the corresponding sections of the new Code, Art V of 1908, 11—, section 45, rules 25 and 26 of Order V and rules 1 and 1 of Order XXXVIII of the First Schedule.

Liens on
forest-
produce
for such
money

82. When any such money is payable for or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest-officer until such amount has been paid.

Power to
sell such
produce

If such amount is not paid when due, the Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Her Majesty.

Recovery by Collector after sale by Forest Department.—Memorandum by Legal Remembrancer.—A purchaser of Government timber at auction paid only a portion of the price. The Forest Department appear to have taken possession of a portion of such timber and to have sold it by public auction in order to realize the balance of the price.

The price fetched at this second sale not realizing all that was due, the Conservator applied to the Collector to realize the outstanding under section 81 of the Forest Act.

The Collector declined on the ground that the balance due was not part of the price but a deficit on resale for which no provision existed such as in analogous cases under the Land Revenue Code is made by sections 175, 176 and 177.

The question is whether the money can be recovered under section 81 of the Forest Act as if it were an arrear of land-revenue.

Section 81 provides that money payable on account of forest-produce may be recovered as if it were an arrear of land-revenue.

Money payable on account of the price does not lose its character by the mere fact that part recovery has been effected under another procedure. If a portion of the price had been recovered as it fell due by civil suit or by auction sale under the Land Revenue Code, or in any other way, that would not affect the power conferred by section 81 in respect of the balance.

The Collector appears to regard section 82 of the Forest Act as providing for a resale.

I do not think section 82 refers to resale. It was evidently framed so as to include all cases where money is due under the Act or under the rules and would cover such cases as are provided for by rules under section 51 (c), and all cases in which money is payable under the Act as duty, fee, royalty, etc.

This I think accounts for the omission in section 82 of all reference to deficit and resale.

Indeed section 82 does not treat the sales made by a Forest-officer under its provisions as a resale at all. In cases where the legislature provides for resale (*vide* Civil Procedure Code, section 308,* and Land Revenue Code, section 175) the defaulting purchaser is declared to forfeit all claims to the property or to any part of the sum for which it may be sold.

Section 82 does not do this and does not extinguish the property in the produce sold, but only declares it subject to a charge.

Section 82 therefore does not operate as a rescission of the sale, but only as one of the means by which money payable for or in respect of produce may be recovered, and the balance unrecovered is therefore still due on account of the price, and does not become due as a deficit on resale.

I am therefore of opinion that such balance of the price is recoverable under section 81 as if it were an arrear of land revenue notwithstanding any other steps short of a rescission of the sale that may have been previously taken for recovery. (Government Resolution No. 7373, dated 6th November 1888)

83. Whenever it appears to the Local Govern- Land
ment that any land is required for any of the pur- required
poses of this Act, such land shall be deemed to be under
this Act
to be
deemed

*Now rule 80 of Order XXI of the First Schedule.

to be
needed for
a public
purpose
under
Land
Acquisi-
tion Act,
1870

Recovery
of penal-
ties due
under
bond

needed for a public purpose within the meaning of the Land Acquisition Act, 1870,¹ section 4.

X of 1870

² 84. When any person, "in accordance with any provision of this Act or in compliance with any rule made thereunder, binds himself by any 'bond or instrument to perform any duty or act, or covenants by any 'bond or instrument that he, or that he and his servants and agents will abstain from any act, the whole sum mentioned in such 'bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872,⁵ be recovered from him in case of such breach as if it were an arrear of land-revenue.

IX of
1872

SCHEDULE

(See Section 1)

ENACTMENTS REPEALED

Number and year of Act or Regulation	Title	Extent of repeal
Act VII of 1805	An Act to give effect to rules for the management and preservation of Government forests	So much as has not been repealed
Act VII of 1809	An Act to give validity to certain rules relating to forests in British Burma	The whole
Act XIII of 1873	An Act to amend the law relating to timber floated down the rivers of British Burma	So much as has not been repealed.
Regulation IX of 1874	The Arakan Hill District Laws Regulation, 1874	So far as it relates to Acts VII of 1865 and VII of 1869

¹ Read now the Land Acquisition Act, 1894 (I of 1894)—sec. 2 of the Act—General Acts, Vol IV

² S. 84 was added by the Forest Act, 1890 (V of 1890), s. 14, General Acts, Vol IV

³ The words "in accordance with any provision of this Act or in compliance with any rule made thereunder" were substituted for the words "in compliance with any rule under this Act," by Act I of 1918

⁴ The words "bond or instrument" were substituted for "instrument" by Act I of 1918

⁵ Printed, General Acts, Vol II, see now the revised edition of the Act as modified up to 1st September 1899, with footnotes brought down to June 30th, 1901.

PART II.

Rules and Orders under the Indian Forest Act.

NOTE.—For orders relating to sections of the Indian Forest Act not included in Part I or in this Part see the following chapters :—

Sections of the Indian Forest Act.

3 to 10

9A

83

Chapter XXXII—Settlement and Demarcation

Chapter XXXVII—Articles 418 to 421, Dahu or Kumri cultivation

Chapter XXXI—Acquisition of lands for forests

CHAPTER XV.

SECTION 2—NOTIFICATIONS APPOINTING CERTAIN OFFICERS TO BE FOREST OFFICERS UNDER THE FOREST ACT.

85. (1) In supersession of the previous orders noted in the margin the Governor in Council is pleased to appoint the undermentioned officers of the Forest Department to exercise the powers of a Forest Officer under certain sections of the Indian Forest Act specified below :—

<i>Sections.</i>	<i>Forest Officers.</i>
Section 10 ..	Conservators and Deputy Conservators in charge of circles.
Sections 20, 40, 55, 56, 67 and 71. —	Conservators and Deputy, Assistant, Extra Deputy and Extra Assistant Conservators.
Sections 55 and 56 ..	Rangers.
Sections 24, 25 (c), 33, 36, 37, 38, 47, 50, 60 and 82.	Conservators and Deputy Conservators in charge of circles and all Divisional Forest Officers.
Sections 44, 45, 52, 63, 64, 69 and 78.	Conservators, Deputy, Assistant, Extra Deputy and Extra Assistant Conservators, Rangers, Foresters and Forest Guards.

(2) The Governor in Council is also pleased to declare that the Collector in each district in the Presidency, including Sind, shall be the duly authorized officer with whose previous sanction the Forest Officer should exercise the power under section 24 of the Indian Forest Act to stop ways and water-courses in reserved forests.

Power of Collector under section 24 to stop ways and water-courses

(Government Notification No. 21, dated 6th January 1903, as amended by Government Notification No. 1152, dated 17th February 1903)

Power of
Rangers
to issue
search
warrants

86. Power under section 71 (c) of the Forest Act to issue a search warrant will be delegated by Government to selected Rangers by name. Such power has been delegated to certain Rangers in the Presidency, *vide* Government Orders Nos 230 and 5257, dated 8th January and 11th May 1915 respectively and No 316 of 7th February 1921.

Powers of
officers
of the
Revenue
Depart-
ment with
respect to
forests
under
their
manage-
ment

87. In exercise of the powers conferred by sections 2, 60 and 67 of the Indian Forest Act, 1878 (VII of 1878), the Governor in Council is pleased—

(a) to appoint, in virtue of their offices, all Assistant and Deputy Collectors in the Bombay Presidency (excluding Sind) and all Mamlatdars and Mahalkaris to be Forest Officers for all the purposes of the said Act, with respect to such reserved or protected forests as may from time to time within the limits of their respective charges be under the management of the Revenue Department.

(b) subject to the provisions of sub-section (3) of section 67 of the said Act, to invest such officers, in virtue of their offices, with the powers specified in section 67 of the said Act, with respect to such forests, and

(c) to invest all Collectors in the Bombay Presidency (including Sind) with the power specified in section 60 of the said Act.

(Government Notification No 6308, dated 3rd August 1905)

Powers of
officers
of the
Revenue
Depart-
ment in
the Presi-
dency
proper
with
respect to
forests
under the
manage-
ment of
Revenue
or Forest
Depart-
ment.

88. In exercise of the powers conferred by section 2 of the Indian Forest Act, 1878 (VII of 1878), the Governor in Council is pleased to appoint in virtue of their offices all Assistant or Deputy Collectors in charge of one or more talukas, Mamlatdars, Mahalkaris, Circle Inspectors, village accountants and revenue or police patels in the Bombay Presidency excluding Sind to be Forest Officers for the purposes of sections 52, 63 and 64 of the said Act, and of rule 11 of the rules under section 41 of the said Act, for regulating the transit of timber and other forest produce, published in Government Notification in the Revenue Department, No 4133, dated the 9th August 1880, with respect to such forests as may from time to time within the limits of their respective charges be under the management of the Revenue or Forest Department (Government Order No. 9179, dated 2nd October 1916)

89. In exercise of the powers conferred by section 2 of the Indian Forest Act, 1878 (VII of 1878), the Governor in Council is pleased to appoint in virtue of their offices all Assistant or Deputy Collectors in charge of one or more talukas, Mukhtiar-kars, Mahalkaris, Supervising Tapedars and Tapedars in Sind to be Forest Officers for the purposes of sections 52, 63 and 64 of the said Act, and of rule 5 in Appendix B* to the rules under section 41 of the said Act, for regulating the transit of timber and other forest produce, published in Government Notification in the Revenue Department, No. 4133, dated the 9th August 1880, as amended by Government Notification No. 6907, dated 6th June 1917, with respect to such forests as may from time to time within the limits of their respective charges be under the management of the Revenue or Forest Department. (Government Order No. 6908, dated 6th June 1917.)

90. In exercise of the power conferred by section 2 of the Indian Forest Act, 1878 (Act No. VII of 1878), His Excellency the Right Honourable the Governor in Council is pleased to appoint all officers of the Customs, Salt and Abkari Departments to be Forest Officers for the purposes of carrying out the provisions of section 52 of the Indian Forest Act, 1878, and rule 14 of the rules* made under section 41 of the same Act, published in Notification No. 4133 of the 9th August 1880, at page 689 of Part I of the *Bombay Government Gazette* of 12th August 1880. (Government Notification No. 7990A,† dated 15th November 1882.)

91. In exercise of the powers conferred by section 2 of the Indian Forest Act, 1878 (VII of 1878), the Governor in Council is pleased to appoint, in virtue of their offices, the Customs Officer, Keti Bunder, and the two Sea-coast Inspectors of the Customs Department, whose beats extend from Keti Bunder to Cutch and from Keti Bunder to the Habb river, to be Forest Officers for the purpose of inspecting passes or certificates relating to timber or charcoal in transit in accordance with rule 6 (now rule 5) of the Special Rules for the Province of Sind made under section 41 of the said Act and published as Appendix B* to Government Notification in the Revenue Department, No. 4133, dated the 9th August 1880. (Government Notification No. 4456, dated 10th May 1909.)

* Vide article 169.

† This notification is not applicable to the Ahmedabad, Kaira and Broach Districts. (Government Notification No. 2130, dated 22nd March 1883.)

Powers of
Customs
Officer,
Sando
Bandar,
under the
Forest
Act.

92. In exercise of the powers conferred by section 2 of the Indian Forest Act, 1878 (VII of 1878), the Governor in Council is pleased to appoint in virtue of his office the Customs Officer, Sando Bandar, to be Forest Officer for the purpose of inspecting passes relating to timber or charcoal in transit in accordance with rule 5 in Appendix B* to the rules under section 41 of the said Act, for regulating the transit of timber and other forest produce, published in Government Notification in the Revenue Department, No. 4133, dated the 9th August 1880, as subsequently amended (Government Notification No. 1177, dated 5th February 1918)

Powers of
Superin-
tendent of
Matheran
under the
Forest
Act

93. In exercise of the powers conferred by section 2 of the Indian Forest Act, No VII of 1878, the Governor in Council is pleased to appoint the person from time to time holding the office of Superintendent of Matheran to carry out throughout the area to which the duties of such office extend the purposes of sections 25, 33 and 71 (d) of the said Act as amended by the Forest Act, 1890, and to do anything required by the said sections or by any rule made under the said Act relating to those sections to be done by a Forest Officer, and the Governor in Council is further pleased, in exercise of the powers conferred by section 71 of the said Act, to invest the said Forest Officer, being the person from time to time holding the above office, with power to hold an enquiry into forest offences, and in the course of such enquiry to receive and record evidence, under clause (d) of that section (Government Notification No. 4909, dated 8th August 1900.)

Powers of
Superin-
tendent,
Civil
Veteri-
nary
Depart-
ment,
under
the Forest
Act

94. His Excellency the Governor in Council is pleased under section 2 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, to appoint the Superintendent, Civil Veterinary Department, Bombay Presidency, for the time being to be a Forest Officer, and, under section 75 of the same Act, is pleased to appoint the said officer to do all acts and exercise all powers that are prescribed by the Act or by rules made under it to be done by a Forest Officer, or by any Forest Officer, such powers to be exercised in respect of the Reserved Forest known as the Chenduphali, Batramna, Soregaon and Darubhatti Kurans in the Sholapur District which has been transferred to the charge of the Civil Veterinary Department to be utilized as a grazing ground for the Sholapur Cattle Farm. (Government Notification No. 9101, dated 21st November 1905)

* Vide article 159

95. His Excellency the Governor in Council is pleased under section 2 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, to appoint the Chief Commissariat Officer, Poona, to be a Forest Officer, and, under section 75 of the same Act, is pleased to appoint the said officer to do all acts and exercise all powers that are prescribed by the Act or by rules made under it to be done by a Forest Officer or by any Forest Officer : such powers to be exercised only in respect of the Reserved Forest Kurans in the Poona District which have been assigned for the use of the Commissariat Department. (Government Notification No. 4092, dated 31st May 1895.)

96. His Excellency the Governor in Council is pleased under section 2 of the Indian Forest Act, VII of 1878, as amended by Act V of 1890, to appoint the Chief Commissariat Officer, Poona, to exercise all the powers of a Forest Officer contemplated in section 67 of the said Forest Act : such powers to be exercised only in respect of the Reserved Forest Kurans in the Poona District which have been assigned for the use of the Commissariat Department. (Government Notification No. 1090, dated 9th February 1897.)

97. In exercise of the powers conferred by section 2 of the Indian Forest Act, 1878, as amended by the Forest Act, 1890, the Governor in Council is pleased to appoint the persons from time to time holding the offices hereinbelow mentioned to carry out throughout the areas to which the duties of such offices extend, the purposes of sections 52, 63 and 69 of the said Act amended as aforesaid, and to do throughout the said areas anything required by the said sections to be done by a Forest Officer ; that is to say, the offices of—

(a) The Superintendent of Grass Operations, Commissariat Department, Poona.

(b) The Commissariat Kuran Chaukidars in the district of Poona.

(Government Notification No. 2765, dated 30th March 1896.)

98. His Excellency the Governor in Council is pleased under section 2 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, to appoint the officer for the time being in charge of the Remount-Rearing Depot at

Depôt,
Ahmed-
nagar,
under the
Forest
Act

Ahmednagar to be a Forest Officer, and, under section 75 of the same Act, is pleased to appoint the said officer to do all acts and exercise all powers that are prescribed by the Act or by rules made under it to be done by a Forest Officer or by any Forest Officer such powers to be exercised in respect of the Reserved Forest known as the "Narayan Dev" Kuran in the Ahmednagar District, which has been transferred to the charge of the Army Remount Department to be utilized as a grazing ground for young stock (Government Notification No. 5123, dated 20th June 1892.)

Powers of
Officer in
charge
Remount-
Rearing
Depôt,
Ahmed-
nagar,
under the
Forest
Act

99. His Excellency the Governor in Council is pleased under section 2 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, to appoint the officer for the time being in charge of the Remount-Rearing Depôt at Ahmednagar to be a Forest Officer, and, under section 75 of the same Act, is pleased to appoint the said officer to do all acts and exercise all powers that are prescribed by the Act or by rules made under it to be done by a Forest Officer or by any Forest Officer : such powers to be exercised in respect of the Reserved Forest known as the "Chuchondi" Kuran in the Ahmednagar District, which has been transferred to the charge of the Army Remount Department to be utilized as a grazing ground for young stock (Government Notification No. 4092-A, dated 31st May 1895)

Powers of
Grass
Conser-
vancy
Overseer
at the
Remount
Rearing
Depôt,
Ahmed-
nagar,
under the
Forest
Act

100. His Excellency the Governor in Council is pleased under section 2 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, to appoint the Grass Conservancy Overseer for the time being at the Remount-Rearing Depôt at Ahmednagar to be a Forest Officer, and, under section 75 of the same Act, is pleased to appoint the said officer to do all acts and exercise all powers that are prescribed by the Act or by rules made under it to be done by a Forest Officer or by any Forest Officer : such powers to be exercised in respect of the Reserved Forests known as the "Narayan Dev" and "Chuchondi" Kurans in the Ahmednagar District, which have been transferred to the charge of the Army Remount Department to be utilized as grazing ground for young stock (Government Notification No. 5932, dated 6th August 1895.)

Name of Kuran.	Name of village near which situated	Powers of Executive Commissariat Officer, Ahmednagar, under section 2 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, to appoint the officer for the time being holding the post of Executive Commissariat Officer, Ahmednagar, to be a Forest Officer, and under section
1. Sussawadi	{ 1. Sussawadi. 2. Kolhar 3. Pimpalgaon Ujan	No. V of 1890, to appoint the officer for the time being holding the post of
2. Kapurwadi	{ 1. Kapurwadi. 2. Deogaon.	the Forest Act
3. Shendi	{ 1. Shendi 2. Dangarwadi	Executive Com-
4. Manjarsumba	{ 1. Pimpalgaon Malvi. 2. Manjarsumba 3. Dehera	missariat Officer,
5. Ghospuri	{ 1. Gutawari. 2. Ghospuri.	Ahmednagar, to be a Forest Officer, and under section

75 of the same Act, is pleased to appoint the said officer to do all acts and exercise all powers that are prescribed by the Act or by rules made under it to be done by a Forest Officer or by any Forest Officer: such powers to be exercised in respect of the Reserved Forest Kurans in the Nagar Taluka of the Ahmednagar District specified on the margin, which have been assigned for the use of the Commissariat Department. (Government Notification No. 8155A, dated 14th October 1892)

CHAPTER XVI.—RESERVED FORESTS.

SECTION 25 (a)—CLEARING FOREST LANDS.

102. The exercise of the greatest care and forbearance are absolutely necessary in the institution of prosecutions under the Forest Act. Criminal charges under the Act should only be preferred after warnings have been disregarded, and in cases where no reasonable doubt can exist that the offender has intentionally and knowingly transgressed the provisions of the Act, and has not merely ignorantly acted in accordance with previous custom or in pursuance of a right which he in good faith believed that he possessed (Government Resolution No. 2206, dated 26th April 1880, and Government Memorandum No 6618, dated 11th December 1880)

103. As regards the question whether under the provisions in section 5 of the Indian Forest Act a person who cuts a tree upon land which has been provisionally notified under section 4, and is awaiting notification under section 19, renders himself liable thereby to prosecution under section 25 (a) and to the penalties provided by that section, Govern-

Prosecution under section 25 (a) depends on the respective rights of

Government and the cutters. ment are of opinion that the advisability of prosecuting in such cases would depend in each case very much on the respective rights of Government and the cutters to the trees, but under any circumstances the care and forbearance inculcated in Government Resolution No. 2206, dated 26th April 1880 (the preceding article), in instituting such prosecutions should be exercised by the Forest Department (Government Resolution No. 3977, dated 3rd June 1886)

Protection of areas awaiting notification under section 19. 104. Pending the completion of enquiry into rights, Government do not desire to prosecute where there is a colourable defence that the accused person supposed himself to be in exercise of a right or custom. In cases where no such defence can be pleaded, prosecution may be allowed, for otherwise the Government forest would be without protection while enquiry is going on

Moreover, where prosecutions are not allowed at present, it does not follow that the rayats should be permitted to set at defiance orders which Government have issued on a reasonable view of their rights. Government may, through their Forest Officers, prevent the exercise by the rayats of asserted rights of which Government deny the existence, leaving the claimants to sue Government in order to establish their claims. (Government Resolutions Nos. 7844, dated 3rd October 1884, and 6425, dated 18th September 1891)

SECTION 25 (b)—FIRES.

RULES.

Rules under section 25 (b) regarding kindling of fires near reserved forests. 105. In exercise of the powers conferred by section 25, clause (b), of the Indian Forest Act, 1878 (VII of 1878), and in supersession of Government Notification No. 3612, dated 14th May 1895, as subsequently amended, the Governor in Council is pleased to make the following rules regarding the kindling of fires or the leaving of fires burning so as to endanger a Reserved Forest, namely :—

1 Fire shall not be kindled or left burning upon any public or private way which lies within the boundaries of a Reserved Forest but is not included in the area thereof, except at such spots as may from time to time be notified locally by the Divisional Forest Officer.

Kindling, etc., of fire on roads in Reserved Forests prohibited

2. No person shall ignite materials for making ash-manure in any field within 200 yards from the boundary of a Reserved Forest, unless—
- Precautions to be taken in making ash-manure near a Reserved Forest.

(i) there is between such boundary and the spot on which such materials are ignited a space at least 25 feet in width which is clear of vegetation capable of carrying fire from such spot to the forest; and

(ii) such other precautions, such as employing watchers, are taken as are reasonably necessary to prevent fire from spreading to the forest.

3. Except for the purposes of making ash-manure, no fire shall be kindled elsewhere than in a place used as a human dwelling or in premises appertaining to such dwelling, within a distance of two hundred yards from the boundary of a Reserved Forest, without the previous written permission of a Forest Officer not lower in rank than a Range Forest Officer.
- Kindling of fire in neighbourhood of a Reserved Forest prohibited.

4. No person shall kindle any fire, or leave any fire burning, at a greater distance than two hundred yards from the boundary of a Reserved Forest in any spot from which the fire may by natural means spread to the forest unless he takes precautions, by clearing a fire-path not less than twenty-five feet in width between such spot and such boundary, or by employing watchers or otherwise, to prevent the fire from so spreading.
- Precautions to be taken in kindling fire in neighbourhood of a Reserved Forest.

5. Elsewhere than in the Province of Sind nothing in these rules shall have operation in the rainy season commencing on the 15th June and ending on the 31st October. (Government Notifications No. 1779, dated 24th February 1913, and No. 1498-A, dated 13th February 1919.)
- Partial operation of rules in the rainy season.

FIRE OFFENCES.

106. *Extract paragraph 7 of letter No. 139 of 5th February 1892 from the Government of India to the Chief Commissioner of Assam, reviewing the Progress Report on Forest Administration of Assam for 1890-91 :—*
- Fire offences should not as a rule be compounded.

"It is noticeable that out of 17 new cases on account of injury caused to the forests by fire, 13 were compounded. In the opinion of His Excellency in Council, the provisions of section 67 of the Act should only be applied to such cases cautiously and for very special reasons; any action which might tend to foster in the minds of an ignorant population the idea that firing of the forests, whether of set purpose or through culpable negligence, is not a serious offence, or one which in the opinion of Government calls for vigorous suppression, is manifestly to be deprecated. Section 67 was enacted to meet the case of petty offenders, like the illicit removal of forest produce; but such case as those referred to in paragraphs 50 and 51 of the report, in which considerable damage is understood to have been caused by fire to two reserved forests, certainly do not fall within this category" (Government Resolution No. 1518, dated 24th June 1893)

Duties of
Magis-
trates
when
trying
offenders
in forest
fire cases.

107. (1) The following extract from Government of India's Resolution No. 139, dated 5th February 1892, on the subject of forest fires is forwarded to all Magistrates for information and guidance in the Presidency

(2) The setting fire to a reserved forest is a very serious offence, and as such, merits severe notice. It is not the actual damage caused at the time that is to be considered, but the injury caused to Government and the people in general by the destruction of the young forest growth and the consequent delay in afforesting the treeless reserves.

(3) The District Magistrate has reason to believe that some Magistrates consider the offence a venial one owing to the absence of any 'intention' on the part of the offender. It is not necessary, however, under the Forest Act that intention should be proved. Carelessness in the use of fire by which a reserve is burnt is equally an offence, but in the meting out of punishment a distinction can be made if the Magistrate sees fit.

(4) The District Magistrate trusts then that all Magistrates will be very careful in dealing with any such forest cases which are brought before them. Forest fires are unhappily but too frequent in this district, and in most cases it is very difficult to discover their origin, but when an accused has been convicted, the above-stated considerations should not be lost sight of, and when the circumstances establish either deliberate intention or very gross carelessness and disregard of ordinary precautions, it is obvious that the punishment awarded should be adequate.

108. The statistical information furnished as regards punishments awarded by the Magistracy for forest offences requires explanation. It has been pointed out by Government Magistrates in fire cases, that the principal factor in determining the gravity of a forest offence is not the extent of damage committed but the degree of malice or culpable negligence disclosed, and it has been directed that the classification of offences of incendiarism should be based on the Magistrate's opinion. The District Magistrate should pay special attention to this class of cases, call for the proceedings, and examine carefully the grounds upon which the punishments have been determined. The experiment of sending at least a proportion of cases believed to be "malicious" to First Class Magistrates, may be tried. The Governor in Council trusts that in reporting results the orders of Government will be more closely followed, and that the statistics supplied will be compiled more intelligently. (Government Resolution No. 3805, dated 12th June 1903.)

FIRE PROTECTION.

109. Wherever fire-paths are required in the interests of forest conservancy they must be provided by the Forest Department and not at the expense of the occupants of the lands bordering on forests or within forest limits. The Forest Department must rely mainly on the exertions of its own establishments for guarding the forests against damage. The establishment of the "coupe" system, under which felling is restricted in each season to specified blocks of forest and entirely prohibited elsewhere, must make conservancy more easy than it was when felling was allowed indiscriminately in all parts of the forests. (Government Resolution No. 7108, dated 6th September 1892.)

110. The success of fire protection must depend to some extent on the nature of the tract, the attitude of the people and the season. The characteristics of the system of fire protection in this Presidency as compared with other Provinces are a very low rate of expenditure per square mile, a high percentage of area attempted and a high proportion of failure to that area. The successful protection for a term of years of a comparatively small area of valuable forest appears to the Governor in Council as at present advised to be of greater importance than imperfect protection of a large area, of which perhaps only an inconsiderable portion enjoys continuous immunity for any length of time. Information on this point should be given in the annual administration reports. It should be stated for each Circle what area has been completely

protected for seven years or more (Government Resolution No. 3868, dated 9th June 1902.)

Enforce-
ment of
communal
responsi-
bility.

With-
drawal of
privileges.

111. Energetic measures to quicken the sense of communal responsibility should be enforced in all districts where forest fires are prevalent. Villages in which fires have been frequent or extensive should be selected, and the villagers should be assembled and formally warned by the Mámlatdár or Range Forest Officer, or when possible by the Divisional Forest Officer and Sub-Divisional Forest Officer, in person, that a recurrence of similarly extensive fires will result in the deprivation of all privileges including grazing. On recurrence of fire after formal warning on the forests of any village, all the privileges, which the village enjoys or such of them as the Collector may consider it advisable to suspend, should be stopped for the ensuing season. At the end of the next season the privileges should be restored unless the Collector, on report of the Divisional Forest Officer, considers that the behaviour of the villagers has not been satisfactory, in which case the deprivation of privileges may be continued, with the sanction of the Commissioner for another year. In any case in which the Collector may be of opinion that it will be sufficient to impose the usual fees in respect of a privilege previously enjoyed free, or to double the ordinary fee, instead of stopping the privilege altogether, he is authorized to do so.

He is also authorized to stop only grazing or any other particular privilege or privileges if he considers it unnecessary to suspend them all. But care should be taken to extend the punishment to those classes of persons who are believed to be more immediately responsible for the fires. It will be of little use, for instance, to stop grazing in places where the fires are principally caused by people like Bhils who do not keep cattle for grazing in forests, if the privileges valued by such people, such as hunting or the collection of dead wood, are not suspended at the same time (Government Resolution No. 7186, dated 13th October 1903)

Mention
in annual
reports

Duties of
village
officers
with
regard to
fire pro-
tection.

112. (1) The withdrawal of privileges as a penalty for causing forest fires should be freely enforced and mention should be made in the annual reports of the action taken.

(2) The principal hope of fire protection rests in the co-operation of the inhabitants of forest villages, and this co-operation can best be secured through the authority and influence of the village headmen. It is necessary therefore that the assistance of the village headmen should be gained

whether through the fear of punishment or the hope of reward. Either punishment or reward should be meted out, and speedily, according to desert. If forest fires are frequent in a village, and if the patel does not lend his personal aid, or require the villagers to assist in extinguishing them, he should be regarded as having neglected the duty incumbent upon him of protecting Government property, and should be punished under section 58 of the Watan Act III of 1874, with fine, suspension or dismissal as the case demands. If, on the other hand, he renders conspicuous service, he should receive a suitable reward in the shape of a turban or silver bangle or some other gift likely to be appreciated to be publicly presented to him by the Collector or Assistant or Deputy Collector. (Government Resolution No. 4101, dated 29th June 1900.)

113. Collectors are authorized to raise the grazing fee Collectors may raise grazing fees. at once to Re. 1 and, with the Commissioner's sanction, to Rs. 2, in bad cases where the villagers show no signs of improvement of fire protection. (Government Resolution No. 1498, dated 13th February 1919.)

114. Conservators and Deputy Conservators in charge Conservators may remit grazing fees. of circles may remit grazing fees in cases where villagers have assisted the Forest Department in fire protection and may reduce the fees in villages where cattle trespass has diminished. (Government Resolution No. 9360, dated 15th October 1910.)

115. His Excellency the Governor in Council is pleased Powers of officers to sanction rewards for help in fire protection. to authorise the officers named below to sanction within the limits specified, the grant of rewards to village officers and other persons, not being servants of the Forest Department, who assist in extinguishing forest fires or furnish information leading to the detection of the cause of forest fires :—

(a) Conservators or Deputy Conservators of Forests in charge of circles up to Rs. 20 in the case of each fire.

(b) Commissioner in Sind and Commissioners of Divisions up to Rs. 100 in the case of each fire.

The form of reward should be determined by the officer sanctioning it on the recommendation of the Divisional Forest Officer or other officer concerned, but the concurrence of the Collector of the District should be recorded on the proposal before the reward is sanctioned. (Government Resolution No. 2587, dated 24th March 1896.)

Money
rewards
to forest
officials
for extin-
guishing
fires not
to be
given.

116. Extract paragraph 2 of letter No. 598-180-2.F., dated 25th June 1897, from the Government of India, Department of Revenue and Agriculture (Forests).—

The Government of India doubt the advisability, save under very special circumstances, of giving rewards in money to Forest officials who aid in extinguishing fires in the forests under their charge. Such work forms a material part of their ordinary duties, for the due performance of which they are entertained and for which they receive their pay. Fires are of frequent occurrence in the forests of most provinces and the labour involved in extinguishing them is often very severe. Yet the grant of pecuniary rewards to the Forest establishment has never before been proposed. In other provinces a turban or other small present has occasionally been bestowed as a mark of appreciation by Government for such work when it has been of an uncommon or specially arduous character. In other cases the cost of shoes and clothes burnt whilst putting out the fire has been re-imbursed by Government. The Government of India are not without apprehension that if the system of giving money rewards to Forest officials for performing what is part of their ordinary duties is once introduced, it may become difficult to decide where to draw the line. It would therefore in their opinion be preferable if in future those men who did the best work in fire protection during each season were rewarded by being singled out for advancement in their class or grade (Government Resolution No 5147, dated 9th July 1897.)

Power of
Commissioner,
C. D., to
grant
rewards
to Akrami
villagers
for good
fire pro-
tection.

117. The Commissioner, Central Division, is empowered to sanction payment of the following rewards without reference to Government :—

Grant to the inhabitants of Akrami villages of a reward of Rs. 4 per mile of outer forest boundary fire traces which are done by them without payment, provided that fire protection in their villages is good.

A reward of Rs. 4 in addition to the annual emolument of Re 1 to the patils of the Akrami villages for services performed as patils, provided that fire protection in their respective villages is good. (Government Resolution No. 8885, dated 3rd October 1910)

Fire pro-
tection in
West

118. Government approve of the following proposals submitted by the Conservator of Forests, C. C., regarding

measures for the prevention of forest fires in the West Khan- Khandesh
desh District :— District.

1. That if the forests are successfully protected from fire in any village or if on the occurrence of a fire the villagers do all in their power to catch the offender and extinguish the fire—

(a) The villagers who burnt the outer forest fire-line be paid for such work directly the fire season is over, and

(b) The Divisional Forest Officer be empowered to allow the Dhils and other wild tribesmen of such village for their own use on permits free or at reduced rate timber of such of the 22 kinds of trees reserved by No. IX (b) of the North Tápti Privilege Code* which he may deem advisable. Such timber be supplied in the manner the Divisional Forest Officer may decide to be best so long as the provisions of Sanctioned Working Plan are not interfered with.

2. That these orders come into force from the 1st of November (in the Taloda Range as an experimental measure) and that before that date they be explained to all forest villagers where the order is to take effect carefully and thoroughly.

3. That the Divisional Forest Officer be empowered to entertain extra guards on daily wages after a fire has occurred till August 1st following, the one and only duty of these extra guards being to patrol the burnt areas and see that the order suspending privileges in such areas is not broken, and direct that in the notices issued to villagers it should be made clear that it is incumbent on them to assist in preventing or extinguishing fire whether aid has been demanded by Government officers or not; and insisting continuous and sustained co-operation of the Revenue Officers in working the plans devised for introducing fire protection; it is essential that when adequate measures are taken by Government officers for such protection offenders should not on conviction be awarded punishments which can have no effect in bringing home to their minds the fact that Government regard the protection of forests from fire as a measure of serious importance which must be enforced. It is the duty of the

*The revised privilege rules sanctioned in Government Resolution No. 4409, dated 6th May 1911, vide Appendix V, are now in force.

District Magistrate to see that his subordinate Magistrates understand the position and pass sentences adequate to the gravity of the offence which they find to have been committed (Government Resolution No. 9764, dated 25th September 1908)

Fire protection in East Khandesh Division. 119. Government approve of the following proposals made by the Conservator of Forests, Central Circle, for adoption in the East Khandesh Division with the object of protecting forests from fire :—

(1) Stoppage of fuel permits to the non-privileged non-forest public.

(2) Grant of grass permits only between the end of rains and the end of February.

(3) Payment of market rates for labour employed in fire protection

(4) Payment of non-forest villages for assistance rendered in extinguishing fires

(5) Abandonment of the principle of communal responsibility in helping in extinguishing fires and the keeping of lists by the Forest Department of persons who help in fire protection to whom alone these privileges would be continued in the following year.

Government, however, consider that while adopting the system of individual rewards and punishments by the keeping of lists of persons who help in fire protection, it would be desirable to keep the power of enforcing communal responsibility in reserve, to be enforced where there has been a widespread absence of assistance (Government Order No. 760, dated 24th January 1918)

SECTION 25 (d)—TRESPASS.

Cattle trespass cases should ordinarily be dealt with under the Cattle Trespass Act. 120. In cases of cattle trespass on forest lands, proceedings should ordinarily be taken under the Cattle Trespass Act, and whenever further proceedings against the offenders may be considered expedient, they should ordinarily be by complaint laid before a Magistrate (Government Resolutions Nos. 8626, dated 3rd November 1892, and 1355, dated 17th February 1893)

NOTE—For procedure to be followed in impounding cattle read articles 199 to 201, and for measures to be taken for preventing cattle trespass read article 401.

SECTIONS 25 (i) AND 31 (i)—HUNTING AND SHOOTING.

121. In exercise of the powers conferred by section 25, clause (i), section 31, clause (j), and section 75, clause (d), of the Indian Forest Act, 1878 (VII of 1878), and in super-session of Government Notification No. 6254, dated the 25th July 1894, published at page 751 of Part I of the *Bombay Government Gazette* (except in regard to the Province of Sind), His Excellency the Governor in Council is pleased, with the previous sanction of the Governor General in Council to prescribe the following rules to regulate hunting, shooting, poisoning of water and setting of traps or snares in the Reserved and Protected Forests of the Bombay Presidency excluding Sind and the Kanara, Belgaum and Dharwar Forest Divisions :—

1. The following acts are prohibited in all Reserved and Protected forests—

(a) the poisoning of rivers or other water, the explosion of dynamite or other explosive therein, the setting of cruives or basket traps for the purpose of killing or catching fish.

(b) the setting of spring guns, snares or traps.

(c) the taking, wounding or killing of

(i) game other than carnivora, bear or pig over water, salt-licks, or paths leading directly to water or salt-licks ;

(ii) any bird or animal for which a close-time has been prescribed under Act VIII of 1912 during the close-time so prescribed ;

(iii) such animals as may from time to time be notified in this behalf by the Conservator of Forests : provided that any of the above acts may be done with the written permission of the Conservator of Forests, or, in the case of snares or traps, of the Divisional Forest Officer.

NOTE.—For the purpose of this rule the word " Carnivora " includes tiger, panther, wolf, hyena and wild dog.

2. Cancelled.

3. (a) In any Reserved or Protected Forests or portions of Reserved or Protected Forests to which the Local Government may, for the purpose of strict conservation or for the preservation of animals which are becoming rare, or for both of these purposes, apply this and the following rules by a Notification published in the *Bombay Government Gazette*,

hunting and shooting are prohibited except under a license to be obtained from the Conservator of Forests.

(b) Every license issued under clause (a) of this rule shall permit the holder only to hunt and shoot, and shall be valid for a period of one year from the date of its grant in any Reserved or Protected Forest in the Presidency to which these rules are made applicable under clause (a), subject to the condition that before it has effect in any Forest Division in which the licensee does not reside or exercise any jurisdiction, it must be countersigned by the Divisional Forest Officer.

(c) No such license shall entitle the holder to hunt or shoot more than two stags or bulls of each species of animal to be specified in the license, according to a list to be prepared for each Forest Division by the Conservator of Forests.

4. Licenses shall not be refused except for special reasons to be stated in writing.

5. Wounded game may be pursued into the forests of the Division adjoining that for which the license is valid or into a forest closed under rule 8.

6. A license granted under these rules shall not be transferable.

7. Every person to whom a license has been granted under these rules, and who is found hunting, shooting, snaring or trapping in any forest to which these rules apply, shall on demand by any Forest, Police or Revenue Officer, produce his license.

8. The Conservator may, on the recommendation of the Divisional Forest Officer and the Collector, declare that any particular forest or part of a forest is wholly closed for a term of years or annually for a specified season. He may also prohibit the taking, wounding or killing of any particular species of animal in any specified tract of forest, with a view to the preservation of such species, but any such order shall be subject to revision by the Commissioner. To such forests the validity of licenses granted under these rules does not extend or is modified accordingly provided that gazetted officers whose jurisdiction extends to such forests, or persons holding licenses on which the Divisional Forest Officer has endorsed special permission to that effect, may kill pig, tigers and other dangerous or destructive animals in such forests. Such special permission shall not be given for a longer period than one month in any case.

9. If any person to whom permission under rule 1 (c) (iii) or a license under rule 3 has been granted commits a breach of any provision of the Indian Forest Act, 1878 (VII of 1878), as amended by the Forest Act, 1890 (V of 1890), or of any rules made thereunder, he shall be liable to the penalty of having the permission or license, as the case may be, cancelled by the Divisional Forest Officer, in addition to any other penalty to which he may be liable under the Indian Forest Act, 1878 (VII of 1878), or otherwise. An appeal against the cancellation of the permission or the license by the Divisional Forest Officer shall lie to the Collector, whose decision shall be final.

10. In any case where the Divisional Forest Officer or Conservator thinks it advisable, he may direct that a Forest Guard or other person shall accompany the camp of any license-holder hunting or shooting in forests, with the object of seeing that Forest Rules are not infringed by camp followers.

11. The word "hunting" as used in these rules, includes tracking for the purpose of discovering the lie of wild animals, provided that any person holding a license is not prohibited from employing any number of trackers.

12. Nothing in these rules shall be taken to exempt any person from liability in respect of any offence by injury to the forest or its produce or of any other offence punishable under the Indian Forest Act, 1878 (VII of 1878), as amended by the Forest Act, 1890 (V of 1890).

13. Nothing in these rules shall be taken to cancel any privileges granted to resident wild tribes except by the express order of the Collector or to preclude the grant of special permission by the Divisional Forest Officer or Collector to resident villagers on special occasions.

[N.B.—Forest in which wild tribes have been given the privilege of hunting will not generally be notified under Rule 3.]

(Government Notification No. 5627, dated 18th August 1903, as amended by Government Notifications Nos. 11185, dated 6th December 1912, and 4177, dated 17th April 1916.)

NOTE (1).—For birds and animals for which close time has been prescribed (*vide* rule 1 (c) (ii) above), see Appendix I.

NOTE (2).—For reserved and protected forests to which rules 3 to 13 have been applied see Government Notifications No. 1547, dated 23rd February 1905, as subsequently amended, and No. 6008, dated 24th July 1905, printed at pages 222 to 248 of Vol. I of Local Rules and Orders made under Enactments applying to Bombay, 2nd Edition.

NOTE (3).—Rules 1 (c) and 3 (c) of the above rules do not apply in respect of Nilgai (*Portax pictus*) in the Thana District. (Government Notification No. 871, dated 31st January 1910.)

Gazetted officers are not exempted from the necessity of obtaining licenses to shoot.

122. The privilege accorded in the proviso to rule 8 of the above rules to gazetted officers having jurisdiction implies the possession by them of a license under rule 3 (b). Gazetted officers are exempted by rule 8 only from the necessity of obtaining special permission to kill dangerous or destructive animals in areas which have been declared wholly closed against shooting under that rule. Nothing in rule 8 or in any other of the rules implies that they are in any circumstances exempt from the necessity of holding a license in order to shoot in areas to which the rules have been made generally applicable by notification under rule 3 (a). The expression 'gazetted officers whose jurisdiction extends to such forests' is not restricted to gazetted *Forest* officers only, but includes all gazetted officers having work or jurisdiction in the forest (Government Resolution No 6845, dated 18th July 1906.)

Game rules for the Kanara, Belgaum and Dharwar Forest Divisions

123. In exercise of the powers conferred by section 25, clause (1), section 31, clause (g), and section 75, clause (d), of the Indian Forest Act, 1878 (VII of 1878), the Governor in Council is pleased to make the following rules to regulate hunting, shooting, poisoning of water and setting of traps or snares in the Reserved and Protected forests of the Kanara, Belgaum and Dharwar Forest Divisions, in supersession of Government Notification in the Revenue Department, No. 5627, dated the 18th August 1903, in so far as it applies to the Reserved and Protected forests within the said divisions, namely —

1 The following acts are prohibited in all reserved and protected forests—

(a) the poisoning of rivers, or other water, the explosion of dynamite or other explosive therein, the setting of cruives or basket traps for the purpose of killing or catching fish

(b) the setting of spring guns, snares or traps.

(c) the taking, wounding or killing of—

(1) game other than carnivora, bear or pig over water, salt-licks or paths leading directly to water or salt-licks,

(2) any bird or animal for which a close-time has been prescribed under Act VIII of 1912, during the close-time so prescribed;

(iii) such animals as may from time to time be notified in this behalf by the Conservator of Forests - provided that any of the above acts may be done with the written permission of the Conservator of Forests, or in the case of snares or traps, of the Divisional Forest Officer.

NOTE —For the purpose of this rule the word " Carnivora " includes tiger, panther, wolf, hyena and wild dog

-2. Hunting and shooting are prohibited except under a license to be obtained from the Collector or Divisional Forest Officer.

3. The forests in each division shall be divided into shooting blocks of convenient size by the Divisional Forest Officer, subject to the approval of the Conservator of Forests.

4. The Conservator of Forests shall determine every year which of the blocks in each of the divisions of his circle, the forest of which have been so divided into blocks under rule 3, shall be absolutely closed to the public generally for hunting and shooting, whether for purposes of forest management or for the protection of game. In October of each year he shall publish, according to forest divisions, a list of the blocks so closed, in the *Bombay Government Gazette*, and copies of the list so published shall be posted up for information in the office of the Conservator of Forests, and in the offices of the Collector and Divisional Forest Officers of each forest division to which these rules apply.

5. Licenses granted under rule 2 shall be of two kinds, viz., district and block licenses. District licenses shall be issued by the Collector of the District and countersigned by the Conservator of Forests; block licenses shall be issued by the Divisional Forest Officer, subject to the control of the Conservator. District licenses shall be valid for any forest of the district for which they have been issued, subject to the conditions of rule 4, and to the reservation in respect of occupied blocks laid down in rule 6. Block licenses shall ordinarily be valid for only one block, but may cover two blocks if there are surplus blocks open for shooting for which no applications have been made :

Provided that wounded game may be pursued into an adjoining block or district.

6. The holder of a district license may hunt and shoot in any forest which has not been notified as closed under rule 4; provided that hunting and shooting by the holder of a district license in any block for which a block license has been issued shall be permitted only when the holder of such block license is not present in the area covered by the license, and if the

holder of the block license arrives in the block specified in the license, the holder of the district license shall at once stop all hunting and shooting in such block, if any holder of a district license wishes to reserve entirely any block for his own sport, he must take a block license for such block

7. With the exception of carnivora, bear and pig, only a limited number of game shall be allowed to be killed in any shooting block in any one year. When this limit is reached, the block shall, subject to the exception permitted by rule 12, be closed to shooting for the remainder of the season. The Conservator of Forests shall have full discretion to prohibit driving or beating the forests with men or dogs in any specified block for any animals other than carnivora, bear and pig and to prohibit the employment for tracking, stalking, tying up for carnivora, or conducting drives or beats, of any persons other than those to whom permits to act as "shukars" have been given by the Divisional Forest Officer, subject to the Conservator's approval

8. (a) The Divisional Forest Officer, subject to the approval of the Conservator of Forests, shall before October in each year fix the limit of game of each species which may be allowed to be killed in each block during the year (January-December) under the last preceding rule

(b) The Conservator of Forests shall similarly, before October in each year, determine the number of game of each species which may be killed by any individual during the year (January-December) in any of the forests of the circle

Provided that the limit of game allowed to be killed may be exceeded with the written permission of the Conservator in particular instances, who may give such permission after consulting the Collector

9. When any holder of a district license kills any animal of any species, of which the number allowed to be killed has been limited under rule 8 (b), he shall report to the Divisional Forest Officer the species, sex and horn-measurements of such animal and the shooting block in which it was killed

10. In each Divisional and Range Forest office game books shall be kept in the form shown in the appendix, showing the number of protected animals allowed to be killed, and the number of game of every kind killed up to date

11. Every holder of a district license must, before shooting in any block, make himself acquainted with the

number of game of each species available for shooting, and may not in any case exceed this number.

12. A holder of a block license may exceed the limit fixed for the block covered by his license, provided he does not kill more than the number permitted by his license to be killed by him of any kind of protected animal. Any excess over the limit fixed for the block that may be caused by any holder of a block license killing up to the full number of game permitted to be killed by his license shall be considered by the Divisional Forest Officer in determining the number of game that may be allowed to be killed in such block during the succeeding year.

13. Every application for a license shall state the number of sportsmen intending to hunt or shoot together and every license shall specify the number authorized by it to hunt and shoot. Provided that for the purpose of a block license a party shall be limited to two guns. The Conservator of Forests shall have discretion to limit the number of retainers and the number of dogs that may be taken into the forest.

14. Every license shall have entered on it the number and kinds of game which may be killed. As soon as he leaves the district or shooting block, as the case may be, every license-holder shall return his license to the Divisional Forest Officer, endorsing on it the number and kind and the horn-dimensions in the case of protected animals, or length in the case of carnivora and bear, of all game killed by him.

15. No application for a block license may be made more than three months or less than one month before the date from which the applicant desires to avail himself of it, provided (a) that fifteen days' notice shall be sufficient in the case of a resident of the district for which a license is applied for, and (b) that a license for a short period not exceeding ten days may be granted as soon as it is applied for.

16. The duration of a license shall be determined by the demand for shooting blocks but shall not ordinarily exceed three months. Provided that a Gazetted Officer may be granted a license which shall be valid only when such officer is travelling on duty within the limits of his charge, to cover the whole year (January to December).

17. No license is transferable.

18. The Collector and subject to appeal to the Conservator, the Divisional Forest Officer shall have discretion to refuse a shooting license for good and sufficient reasons and

the Divisional Forest Officer may at any time cancel any block license and subject to the Collector's approval any district license for any breach of the Forest Act, or of any rule under the Forest Act. Any breach either of the Act or of any rule under it shall render a license liable to cancellation, whether committed by the license-holder or by any of his retainers or followers and, in the event of fire breaking out in any forest block for which a license has been granted, or of unwarranted interference with forest work or with forest officials engaged in the exercise of their duty, licensees shall be liable to be declared invalid in respect of such forest block.

19 The provisions of the last preceding rule do not exempt a license-holder from liability under the Forest Act or any other law for anything done in contravention of such Act or law, whether by himself or by any of his retainers or followers.

20 The Divisional Forest Officer subject to the approval of the Conservator, may require any holder of a license to take a forest guard to accompany him and his camp during the time he is camped within forest limits.

21 Every holder of a license hunting or shooting in any forest to which these rules apply shall on demand by any Forest, Police or Revenue officer produce his license for inspection.

22 If any animal is wounded or killed by any license-holder in contravention of the provisions of rule 1 (c), such animal shall be counted in the aggregate number of animals of the same species permitted to be killed by the license-holder under rule 8 (b), provided that such license-holder is not exempted by this rule from the liabilities referred to in rules 18 and 19.

23 It shall be in the discretion of the Conservator or Divisional Forest Officer, subject to the Conservator's approval to prohibit from time to time fishing and netting in any specified lengths of any rivers, except on issue of a license in the case of individuals, or of a general sanction to the residents of any village or villages, to fish and net in the portion so specified, and the Conservator may also from time to time regulate by notification in each forest division concerned the size of mesh that may be employed in netting rivers (for the capture of fish).

APPENDIX.

(GAME BOOK.)

Block _____

Kind of Game.	Number allowed to be shot.	Date of shooting	Dimensions.	Name of sportsman with number shot.	Balance available for shooting.
Bison	..	1st head. 2nd head, etc.	Outside span of horns.		
Sambhar	..	Do.	(Length of horns)		
Cheetal	..	Do	Do		
Tiger	(Length from nose to tip of tail between uprights, length of tail and height from heel to top of shoulder.)		
Panther	Do.		
Others (bears, pig, wild dog, hyena, etc.)	..	(Number shot)	...		

(Government Notification No. 4177, dated 17th April 1916.)

NOTE.—For birds and animals for which close time has been prescribed (*vide* rule 1 (c) (n) above) see Appendix I.

124. In exercise of the powers conferred by section 25, Game clause (r), section 31, clause (g), and section 75, clause (d), of the Indian Forest Act, 1878 (VII of 1878) and in supersession of Government Notification in the Revenue Department No 6254, dated the 25th July 1894, the Governor in Council is pleased to prescribe the following rules to regulate hunting, shooting, poisoning of water and setting of traps or snares in the reserved and protected forests of the Province of Sind :—

1. The following acts are prohibited in all reserved and protected forests :—

(a) the poisoning of rivers or other water, the explosion of dynamite or other explosive therom, the setting of cruives or basket traps for the purpose of killing or catching fish,

(b) the setting of spring guns, snares or traps ;

(c) the taking, wounding or killing of—

(i) game other than carnivora or pig over water, salt-licks or paths leading directly to water or salt-licks ,

(ii) any bird or animal for which a close-time has been prescribed under Act VIII of 1912 during the close-time so prescribed ,

(iii) such insectivorous or gay-plumaged birds as may from time to time be notified in this behalf by the Deputy Conservator of Forests :

Provided that any of the above acts may be done with the written permission of the Deputy Conservator of Forests or, in the case of snares or traps, of the Divisional Forest Officer

NOTE—For the purpose of this rule, the word "Carnivora" includes wolf, hyena and wild dog

2 (a) In any reserved or protected forests or portions of reserved or protected forests to which the local Government may, for the purpose of strict conservation or for the preservation of animals which are becoming rare, or for both of these purposes, apply this and the following rules by a notification published in the *Bombay Government Gazette*, hunting and shooting are prohibited except under a license to be obtained from the Deputy Conservator of Forests

(b) Every license issued under clause (a) of this rule shall permit the holder only to hunt and shoot, and shall be valid for a period of one year from the date of its grant in any reserved or protected forests in the Province of Sind to which these rules are made applicable under clause (a), subject to the condition that before it has effect in any Forest Division in which the licensee does not reside or exercise any jurisdiction, it must be countersigned by the Divisional Forest Officer.

(c) No such license shall entitle the holder to hunt or shoot more than two males of each species of animal to be specified in the license, according to a list to be prepared for each Forest Division by the Deputy Conservator of Forests.

3. Licenses shall not be refused except for special reasons to be stated in writing.

4. Wounded game may be pursued into the forests of the division adjoining that for which the license is valid or into a forest closed under rule 7.

5. A license granted under these rules shall not be transferable.

6. Every person to whom a license has been granted under these rules, and who is found hunting, shooting, snaring or trapping in any forest to which these rules apply, shall, on demand by any Forest, Police or Revenue Officer, produce his license.

7. The Deputy Conservator may, on the recommendation of the Divisional Forest Officer and the Collector, declare that any particular forest or part of a forest is wholly closed for a term of years or annually for a specified season. He may also prohibit the taking, wounding or killing of any particular species of animal in any specified tract of forest, with a view to the preservation of such species, but any such order shall be subject to revision by the Commissioner. To such forests the validity of licenses granted under these rules does not extend or is modified accordingly; provided that gazetted officers whose jurisdiction extends to such forests or persons holding licenses on which the Divisional Forest Officer has endorsed special permission to that effect, may kill pig and other dangerous or destructive animals in such forests. Such special permission shall not be given for a longer period than one month in any case.

8. If any person to whom permission under rule 1 (c) or a license under rule 2 has been granted commits a breach of any provision of the Indian Forest Act, 1878 (VII of 1878), as amended by the Forest Act, 1890 (V of 1890), or of any rules made thereunder, he shall be liable to the penalty of having the permission or license, as the case may be, cancelled by the Divisional Forest Officer, in addition to any other penalty to which he may be liable under the Indian Forest Act, 1878 (VII of 1878), or otherwise. An appeal against the cancellation of the permission or the license by the Divisional Forest Officer shall lie to the Collector, whose decision shall be final.

9. In any case where the Divisional Forest Officer or Deputy Conservator thinks it advisable, he may direct that a Forest Guard or other person shall accompany the camp of any license-holder hunting or shooting in forests, with the object of seeing that Forest rules are not infringed by camp followers.

10. The word "hunting", as used in these rules, includes tracking for the purpose of discovering the lie of wild animals,

provided that any person holding a license is not prohibited from employing any number of trackers.

11. Nothing in these rules shall be taken to exempt any person from liability in respect of any offence by injury to the forest or its produce or of any other offence punishable under the Indian Forest Act, 1878 (VII of 1878), as amended by the Forest Act, 1890 (V of 1890).

12. Nothing in these rules shall be taken to cancel any privileges granted to resident wild tribes except by the express order of the Collector or to preclude the grant of special permission by the Divisional Forest Officer or Collector to resident villagers on special occasions.

(N.B.—Forests in which wild tribes have been given the privilege of hunting will not generally be notified under Rule 2.)

(Government Notification No. 5296, dated 12th May 1915, as amended by Government Notification No. 9933, dated 16th October 1916.)

NOTE (i).—For birds and animals for which close time has been prescribed (vide rule 1 (c) (ii) above) see Appendix I.

NOTE (ii).—For reserved and protected forests in which these rules have been applied under rule 2 (a) see Government Notification No. 5205, dated 19th May 1916, published at pages 1040 to 1043 of the *Bombay Government Gazette*, Part I, dated 25th May 1916.

Fees for
shooting
license.

125. The fees for licenses issued under the game rules are as follows :—

Rs.

License under the rules in Article 121 for the Presidency proper excluding Kanara, Belgaum and Dharwar Divisions 25

(Government Resolution No. 5627 of 18th August 1903.)

Licenses under the rules in Article 123 for Kanara, Belgaum and Dharwar Divisions :—

District license to cover the whole year	25
Block license for 3 months or more	25
Block license for 2 months	20
Block license for 1 month or less	10

(Government Order No. 4177 of 17th April 1916.)

Rewards
for killing
wild
animals.

126. Rewards on the following scale are allowed for the destruction of wild animals :—

Rs.

Tigers	.. {	Full-grown	24
		Half-grown	12
		Cubs	6

		Rs.
Cheetas, leopards, panthers, and (in Kanara and Khandesh) bears.	Full-grown	12
	Half-grown	6
	Cubs	3
Wild red dogs (in East and West Khandesh)		5
Full-grown wolves (in Khandesh, Poona, Ahmedabad and Ahmednagar)		1
Full-grown wolves (in Sind)		4

District Magistrates are authorized to sanction special rewards, not exceeding Rs. 200, for killing specially proved and well recognized cases of man-eaters, tigers, panthers or leopards. (Government Resolution, Financial Department, No. 5324, dated 30th August 1919.)

127. The Conservator of Forests, Southern Circle, is authorized to utilise the revenue derived from shooting licenses for giving rewards to informers for information leading to the successful working of the game rules, i.e., to the capture of unlicensed guns, conviction of offenders or prevention of illicit poaching. (Government Resolutions Nos. 9747, dated 12th October 1906, and 3360, dated 3rd April 1909.)

128. District officers should warn sportsmen, whether Europeans or others, (1) against trespassing on standing crops without the consent of the owners, (2) against shooting peafowl, or other birds or animals which are looked upon as sacred, in the vicinity of villages or habitations, (3) against shooting domestic animals, such as dogs or pigs, and (4) generally against shooting in the immediate vicinity of villages, temples and mosques. (Government Resolution Judicial Department, No. 7520, dated 29th October 1895.)

129. For rules relating to the grant of shooting passes to British soldiers see Government Resolution, Judicial Department, No. 1507, dated 2nd March 1899.

SECTION 26—DISFORESTATION.

130. No land which has been finally constituted reserved forest under section 19 or section 34 of the Forest Act should be given in occupancy, or otherwise disposed of, without the previous sanction of Government. The case of waste lands which have been notified as proposed reserve forests under section 4 of the Act, or as protected forests on a different footing. Instances may occasionally occur when assessed waste lands belonging to either or both the above categories may advantageously be exchanged for occupied

lands which fall within the proposed forest boundaries, or one more suitable for forest purposes, and where the delay incidental to obtaining previous sanction may result in the failure of the negotiations. Whenever prompt action is necessary in such cases, Forest Settlement and Demarcation Officers may be authorized to effect exchanges at their discretion, with the concurrence of the Divisional Forest Officer, without previous sanction of Government. The authority hereby given does not extend, however, to the utilization, for exchange purposes without previous sanction, of any *unassessed* areas included in forests (Government Resolution No 6129, dated 6th September 1893)

Policy
regarding
disforesta-
tion of
poor or
worthless
lands

131. Reserved forest land should not be given up merely because it is barren. As a general rule, land which is "poor", "worthless" (for other purposes), etc., should be kept under such forest growth as it is capable of producing. (Government Resolution No. 7610 dated 9th November 1887)

Disforesta-
ment of
lands
notified
under
section
19 as
distin-
guished
from
those
under
section 31
Form of
notifica-
tion
under
section 26

132. As there is a great difference between (1) Forests reserved after investigation and settlement under Chapter II of the Forest Act and (II) Forest declared to be reserved under section 31, subject to subsequent adjustment after investigation, in all cases of proposed exclusion from reserved forests it should be stated whether the disforestation for which sanction is asked concerns forests of the first or second class (Government Resolution No. 5312, dated 7th August 1888)

133. A draft notification in the form appended below should, subject to such minor modifications as local circumstances may render expedient or necessary, accompany every application for sanction to disforest land under section 26 of the Indian Forest Act

The description given in the draft notification of the boundaries of the area concerned should be sufficiently detailed and precise

Draft Notification.

No. —In exercise of the powers conferred by section 26 of the Indian Forest Act, No. VII of 1878, as amended by Acts No. V of 1890, No. V of 1901, No. XV of 1911, and No. I of 1918, His Excellency the Governor in Council is pleased to declare that the area specified below, which in Government Notification No. , dated the published at page of the *Bombay Government Gazette* of the . Part I, was declared to be reserved forest under section of that Act, shall cease to be reserved forest with effect from the

Specification of land disforested.

District	Taluka	Name of Reserve.	Village.	Survey No.	Area.
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*Boundaries.**Brief description.**Reasons for disforestation.*

(Government Resolutions Nos. 3329, dated 11th April 1892, and 5314, dated 22nd July 1893.)

134. In cases of importance, a map illustrating the proposals for disforestation of lands under section 26 of the Indian Forest Act, should accompany the papers. (Government Resolution No. 3329, dated 11th April 1892)

NOTE.—For general rules regarding notifications read articles 318 to 324, Part IV

CHAPTER XVII.

SECTION 27—VILLAGE FORESTS.

135. Rules for regulating the management of the village forests by Pancháyats in the West Khándesh District :—

1. To facilitate the management of the Forests, the forest area should be divided into three blocks (western, central and eastern). The western part should be designated as "A" block, the central part as "B" and the eastern part as "C" block.

(a) These three blocks will be entirely closed to sheep and goats.

(b) The block () will be open to grazing for the whole year and block () from 1st October till the end of May ; and the block () will be open to grazing only for the months of April and May. This latter part () is specially reserved as a fodder reserve and grass will be allowed to be cut thereon from October till the end of March

(c) In the first year block () will be open for grazing for the whole year and block () from October till the end of May. In the second year block () will be open for grazing for the whole year and block () from October till the end of May, and so on in rotation,

2. Grazing fees will be charged at the rate of two annas per head of cattle in the case of village cattle and Re 1 in the case of professional graziers.

(a) Grass will be allowed to be taken from block () at the following rate —

Rs	a	p.	
0	0	6	per head-load
0	4	0	per cart-load.

Fuel

3. Firewood will be allowed to be taken from the block () for the first three years, from block () for the next three years, and so on in rotation. The firewood to be removed should be for home consumption only.

4. The dead and dying trees marked for cutting by the Panch should be cut and no other. The stumps should be cut flush with the ground.

5. The following rates should be charged for fuel:—

(1) Eight annas per cart-load of fuel of inferior kinds such as salai, henkal, boi, amoni, etc.

(2) Re. 1 per cart-load of fuel of superior kinds such as khair, sadana, dhavada, etc., and the rate per head-load of fuel should be one sixteenth of the rate paid for a cart-load of fuel.

6. Breach of any of the above rules will be a cause for declaring the Panchayat as unfit for the work (Government Resolution No 11966, dated 22nd December 1911)

Rules for
the man-
agement of
village
forests in
the Satara
District

136. Rules for the guidance of village panchayats established for the regulation of grazing grounds in the Korogaoon Taluka of the Satara District —

Constitution

1. The panchayat shall ordinarily consist of five members but regard being had to the size of the village, this number may be increased.

2. The Revenue Pátíl and the kulkarni shall be members, the remaining members to be nominated from amongst the villagers by the Mámlatdár subject to the sanction of the Sub-Divisional Officer.

Meetings.

3. The pancháyat shall meet for deliberation in the *chárdi* once in the month of June and again in October and such other times as are deemed necessary.

4. The members of the Panch shall elect a Sir-Panch to preside at their meetings

5. The kulkarni should keep a memorandum of the deliberations and resolutions of this body and forward a copy thereof to the Mámílatdár, who shall submit it with such remarks as he deems fit to the Sub-Divisional Officer.

6. The pancháyat shall have control of all the grazing area comprised in the heads "Forest Pasture" and "Revenue Waste" within the limits of the village and such other lands as may from time to time be handed over to their control by Government

7. The kulkarni under the supervision of the pancháyat should prepare each year by the first day of June a list of all the cattle in the village; this list shall be an *Isamwár* list and not a *gharwár* list and in it those persons who, not being agriculturists, own cattle for other purposes than agriculture, shall be especially distinguished.

8. Soon after the commencement of the rains, the pancháyats should inspect all the survey numbers available for grazing and should approximately estimate the limit of cattle per acre for which grazing would be available during the year.

9. The pancháyat shall declare certain portions of the total grazing area to be closed for such time as they deem proper, having regard to the number of cattle and the total area available and may declare such portion open at the expiry of the period. Such announcements to be published in the *chárdi* subject to the sanction of the Sub-Divisional Officer.

10. The pancháyat shall set apart certain portions of the grazing area for the exclusive use of sheep and goats.

11. The village officers shall, subject to the resolutions of the pancháyat under rules 8, 9 and 10, issue passes to cattle owners and levy such fees as shall from time to time be determined by the Collector.

12. When cattle of other villages have resorted to the village to graze, the pancháyat shall continue the privilege after consideration of the surplus at their disposal.

13. Passes to professional graziers shall continue to be issued subject to the limitations imposed by the pancháyat and the pancháyat may grant or refuse such passes subject to the sanction of the Sub-Divisional Officer.

14. When cattle resort to forest proper to graze, the pancháyat shall afford every assistance in their power to the Forest Department and all disputes relating to grazing shall be first referred to the pancháyat for consideration.

15. The pancháyat shall have access to the account and registers kept by the kulkarni for the purpose of regulating grazing arrangements.

16. The pancháyat shall have power to authorize the lower village servants to impound such cattle as are found straying in closed areas or such sheep and goats as are found grazing in the areas closed to them.

17. The dead and dying trees marked for cutting by the Panch should be cut and no other. The stumps should be cut flush with the ground. The rate of fee should be 1 anna per head-load.

18. Where damage has been done to the grazing areas, the pancháyat shall be entitled to institute prosecutions.

19. The boundary marks of the grazing areas shall be kept up by the pancháyat under the control of the Revenue officers, and such necessary expense shall be defrayed from the fees paid for passes subject to the sanction of the Sub-Divisional Officer.

20. Members of pancháyats shall be liable to removal from office for misconduct or continued absence from the meetings, such removal to be made by the Mánlatdár subject to the approval of the Sub-Divisional Officer. (Government Resolution No 5052, dated 28th May 1912.)

Rules for the management of village forests in the Athni Taluka of the Belgaum District

137. Rules for the guidance of village pancháyats established for the regulation of grazing grounds in the Athni taluka of the Belgaum District.

Constitution

1. The pancháyat shall consist of five members, but regard being had to the size of the village, this number may be increased.

2. The Revenue patil and the kulkarni shall be *ex-officio* members and the remaining members shall be elected by the villagers.

3. A list of representative land-holders approved by the Mámíatdár shall be maintained in the village. It shall be revised by the Mámíatdár each year in April.

4. The pancháyat shall be elected by these representative land-holders from among their own numbers each year in May in the chávdi in the presence of the Mámíatdár.

5. In cases of equality of votes, the election shall be decided by the Mámíatdár by casting lots.

6. No election shall take place unless more than half the total number of representative land-holders are present at the meeting.

7. The members of the pancháyat shall elect a Sir-Panch to preside at their meetings. The Sir-Panch shall have a casting or second vote in cases of equality of votes.

Meetings.

8. The pancháyat shall meet for deliberation in the chávdi once in the month of June and again in October and such other times as are deemed necessary.

9. The kulkarni should keep a memorandum of the deliberation and resolutions of this body and forward a copy thereof to the Mámíatdár who shall submit it with such remarks as he deems fit to the Sub-Divisional Officer.

10. The pancháyat shall have control of all the grazing area comprised in the heads "Forest Pasture" and "Revenue Waste" within the limits of the villages and such other lands as may from time to time be handed over to their control by Government.

11. The kulkarni under the supervision of the pancháyat should prepare each year by the first day of June a list of all the cattle in the village. This list shall be an *Isamwar* list and not a *gharwa* list and in it those persons who, not being agriculturists, own cattle for other purpose than agriculture shall be specially distinguished.

12. Soon after the commencement of the rain, the pancháyat should inspect all the survey numbers available for grazing and should approximately estimate the limit of cattle per acre for which grazing would be available during the year.

13. The pancháyat shall declare certain portion of the total grazing area to be closed for such time as they deem proper, having regard to the number of cattle and the total

area available and may declare such portion open at the expiry of the period. Such announcements shall be published in the *chavdi* subject to the sanction of the Sub-Divisional Officer.

14. The panchayat shall set apart certain portions of the grazing area for the exclusive use of sheep and goats.

15. The village officers shall, subject to the resolutions of the panchayat under rules 12, 13 and 14, issue passes to cattle owners and levy such fees as shall from time to time be determined by the Collector.

16. When cattle of other villages have resorted to the village to graze, the panchayat shall continue the privilege after consideration of the surplus at their disposal.

17. Passes to professional graziers shall continue to be issued subject to the limitations imposed by the panchayat and the panchayat may grant or refuse such passes subject to the sanction of the Sub-Divisional Officer.

18. When cattle resort to forest proper to graze, the panchayat shall afford every assistance in their power to the Forest Department and all disputes relating to grazing shall be first referred to the panchayat for consideration.

19. The panchayat shall have access to the accounts and registers kept by the *kulkarni* for the purpose of regulating grazing arrangements.

20. The panchayat shall have power to authorise the lower village servants to impound such cattle as are found straying in closed areas or such sheep and goats as are found grazing in the area closed to them.

21. The dead and dying trees marked for cutting by the panch should be cut and no others. The stumps should be cut flush with the ground. The rate of fee should be 1 anna per head-load.

22. Where damage has been done to the grazing areas, the panchayat shall be entitled to institute prosecutions.

23. The boundary marks of the grazing areas shall be kept up by the panchayat under the control of the Revenue Officers, and the necessary expense shall be defrayed from the fees paid for passes subject to the sanction of the Sub-Divisional Officer.

24. Members of the panchayat shall be liable to removal from office for misconduct or continued absence from the

meetings. Such removal shall be made by the Mámratdár subject to the approval of the Sub-Divisional Officer. (Government Resolution No. 4237, dated 18th April 1916.)

138. The rules in the preceding article are extended to the village forests of Shendur and Yernal in the Chikodi Taluka of the Belgaum District. (Government Resolution No. 8325, dated 13th August 1918.)

Rules for the management of village forests in the Chikodi Taluka of the Belgaum District.

139. Orders for constituting village pancháyats and assigning to them pasture lands for management under section 27 of the Indian Forest Act are contained in Article 423, paragraph 13.

Village pancháyats

CHAPTER XVIII.

PROTECTED FORESTS.

SECTION 28—CONSTITUTION OF PROTECTED FORESTS.

140. Notification under section 28 of the Indian Forest Act should be in the form given below —

Form of notification under section 28

“No. .—In exercise of the power conferred by section 28 of the Indian Forest Act, No. VII of 1878, as amended by Acts No. V of 1890, No. V of 1901, No. XV of 1911, and No. I of 1918, His Excellency the Governor in Council is pleased to declare the land comprised within the survey numbers or portions of survey numbers hereinbelow mentioned in the village of in the taluka of the District to be a protected forest

Survey numbers above referred to :—

By order, etc.”

(Government Resolution No. 673, dated 1st February 1881.)

141. Form of Notification for exclusion of land from protected forests :—

Form of notification for exclusion of land from protected forests.

“No. .—With reference to Government Notification No. , dated , published at page of the *Bombay Government Gazette* of the , Part I, His Excellency the Governor in Council is pleased to direct that the land

in the taluka of the District specified in the schedule hereto annexed shall cease to be protected forest from the date of this notification

Schedule referred to above

Village. Survey No. Area.

Boundaries :—

By order, etc. "

(Government Resolution No. 1125, dated 23rd February 1881.)

NOTE.—For rules regarding notifications generally read articles 318 to 324, Part IV.

SECTION 29—NOTIFICATIONS RESERVING TREES AND PROHIBITING CERTAIN ACTS IN PROTECTED FORESTS.

Reserva-
tion of
trees and
prohibition
of certain
acts in
Protected
Forests in
Kanara

142. Government Notification No 8205-A, dated 22nd November 1902

In exercise of the powers conferred by Section 29 of the Indian Forest Act, 1878, as amended by Acts Nos V of 1890 and 1901, and in supersession of all previous Notifications under this section, the Governor in Council is pleased—

(a) to declare the following classes of trees in the Protected Forests of the district of Kanara to be reserved from the 1st day of January 1903, viz —

- (1) 1 Sagvan or Teak (Tegu) (*Tectona grandis*),
- 2 Gandadmara or Sandalwood (Chandan) (*Santalum album*),
3. Bitti or Blackwood (Shisham) (*Dalbergia latifolia*),
- 4 Kaumara or Ebony (Abnas) (*Diospyros eberum*),
5. Balghe (*Vitex altissima*),
6. Kaumutal or Tiwas (*Ougenia dalbergioides*),
7. Shiwan (*Gmelina arborea*),
- 8 Anale or Harda (*Terminalia chebula*),
- 9, Khair (*Acacia catechu*),

10. Honi (*Pterocarpus marsupium*),

11. Jhallanda (*Shorea talura*);

(2) all trees of whatever description exceeding thirty-two inches in girth at the base;

(3) all trees of whatever description or dimensions in evergreen jungles and kans;

and

(b) to prohibit from the date fixed as aforesaid in the said Protected Forests,—

(1) the quarrying of stone,

(2) the burning of lime and charcoal,

(3) the subjection to any manufacturing process of any forest produce,

(4) the collection or removal of any forest produce of the following kinds, viz. —

(1) trees reserved under clause (a) above and all parts and produce, of the same,

(2) charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark and lac,

(3) the Shige plant and all its parts and produce,

(4) honey and wax,

(5) rock (except loose and surface stones) and minerals.

143. Government Notifications No. 2163A, dated 14th March 1905, and No 3036, dated 11th April 1905.

In exercise of the powers conferred by clauses (a) and (c) of section 29 of the Indian Forest Act, 1878 (VII of 1878), the Governor in Council is pleased to declare the classes of trees marginally noted in the Protected Forests in the Peint taluka of the Nasik District to be reserved from the 1st day of April 1905, and to prohibit from the said date within the said forests, except so far as may be permitted by any rule^{*} made under section 31 of the said Act,

Teak, Tilwa, Black-wood, Mhowra, Hirva, Mango, Tamarind

Reserva-
tion of
trees and
prohibi-
tion of
certain
acts in the
Protected
Forests of
the Peint
taluka of
the Nasik
district.

(a) the quarrying of stone, the burning of lime or charcoal and the collection, or subjection to any manufacturing process, or removal, of any forest produce; and

* Vide article 150.

(b) the breaking up or clearing for cultivation, for building, for herding cattle, or for any other purpose, any land therein

Prohibition of cultivation and collection of forest produce, etc., in Protected forests of certain villages of Ahmednagar Taluka

144. Government Notification No. 186, dated 12th January 1886.—

In exercise of the power conferred by section 29 of the Indian Forest Act, 1878, the Governor in Council is pleased to prohibit in the Protected Forest in the villages marginally noted in the Akola Taluka of the Ahmednagar District, from the 1st day of February 1886,—

Ghatghar	Kumhet.
Uddavne	Ambit
Panjro	Parhna
Shunganwad	Lohali Kotul

(a) the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, of any land in such forest except in accordance with the rules* prescribed in that behalf under section 31 of the said Act in Government Notification No 185, dated 12th instant,

(b) the quarrying of stone, the burning of lime or charcoal and the collection or the subjection to any manufacturing process or the removal of any forest produce, except in accordance with the rules afore-said and with the proviso to this notification

Provided that, until further orders, any person permanently residing in any of the said villages may in any unoccupied number in the Protected Forest of the village in which he resides—

(c) gather and remove edible fruits and roots;

(d) gather and remove dead-wood for fuel;

(e) quarry or gather and remove stones for his own use for any agricultural or domestic purpose

And in further exercise of the power conferred by the said section, the Governor in Council is pleased to declare all mango, hirda and jambul trees and bamboos in the Protected Forest in the said villages to be reserved from the said date.

Prohibition of cultivation and collection of forest produce, etc., in the Protected Forest of Samrad,

145. Government Notification No 1915-A, dated 28th March 1887.—In exercise of the power conferred by section 29 of the Indian Forest Act, 1878, the Governor in Council is pleased to prohibit in the Protected Forest in the village of Samrad in the Akola Taluka of the district of Ahmednagar, from the 15th day of April 1887. ॐ

* Vide article 151.

(the rest of this notification is the same as in the Akola preceding article, the notification referred to in para- Taluka. graph (a) being No. 1915, dated 28th March 1887*).

146. In exercise of the power conferred by section 29 (b) Form of of the Indian Forest Act, 1878, the Governor in Council is notification pleased to declare that the portion of the protected forest closing of the taluka of the District comprised with- protected in Survey Nos. of the village of be closed forest for a term of years from the date of this notifica- under tion, and that the right of private persons (if any) over such section 29(b) portions shall be suspended during the said term.

By order, etc.

(Government Resolution No. 673, dated 1st February 1881.)

NOTE.—For general rules regarding notifications under the Forest Act, see articles 318 to 324 Part IV.

SECTION 31—RULES † FOR PROTECTED FORESTS.

147. For rules framed under section 31 for the pro- Kanara tected forests in Kanara see Government Notifications Nos. Protected Forest Rules. 8205-B., dated 22nd November 1902, 7338, dated 11th September 1905, and 3957, dated 18th April 1907, reproduced at pages 259 to 267 of Vol. I of the Local Rules and Orders made under Enactments applying to Bombay, 2nd Edition. The orders passed with regard to these rules in Government Resolution No. 6073, dated 6th July 1910, sanctioning revised rules for the exercise of privileges in the reserved forests in Kanara (*vide* Appendix V), are as follows :—

“*Paragraph 9*—With reference to the remarks made by the Collector of Kanara in paragraph 3 of his memorandum that the rules of 1902 are no longer suitable and that it is necessary to cancel Government Resolution No. 8205, dated 22nd November 1902, and Notification No. 8205-B. of the same date, with the exception of class IV under rule 4, he should be informed that the orders in Government Resolution No. 8205, dated 22nd November 1902, will be superseded by the present orders and that there is no need to cancel the Resolution. The Notification No. 8205-B. is *not* to be cancelled

* *Vide* article 152.

† For rules framed under section 31 (j) see articles 121, 123 and 124, for general orders regarding privileges see Chapter XXXVII, and for codes of privileges for different districts see Appendix V.

at present. It is plain that, there being no protected forests except "bottas" and "hakkals", and the subject of privileges in bettas being left alone until further examination there is no need at present for cancelling the Protected Forest Rules. The present rules will remain in force; but will have no effect because there is nothing to which they apply except only class IV. When the local officers have recommended revised rules for bettas and for hakkals, the cancellation of the Notification of 1902 can be effected at the time of notifying the new rules."

Rules
regulating
the pas-
turing
of cattle
in the
protected
forests of
Kanara,
Belgaum
and
Dharwar

148. Government Notification No 2419, dated 22nd March 1883 — The following rules made by the Governor in Council under section 31 (1) of the Indian Forest Act, 1878, for regulating the pasturing of cattle in the protected forests in the districts of Kanara, Belgaum and Dharwar are published, with the previous sanction of the Governor General in Council —

1. In every protected forest a fee shall be charged, at such rates as shall from time to time be sanctioned by Government, for the pasturing of cattle within such limits as shall from time to time be assigned by, or under the orders of, the Conservator of Forests for this purpose.

2. No person shall pasture cattle in any portion of any such protected forest so assigned without previously paying the prescribed fee.

3. Nothing in these rules shall be deemed to abridge or affect—

(a) any recorded right of any private person in any protected forest, or

(b) any existing grazing right of any private person in any protected forest declared under section 31 of the Act and in which rights of private persons have not been enquired into, settled and recorded.

Rules
regulating
the cut-
ting of
trees in
the
protected
forests of
Thana
and
Kolaba

149. Government Notifications Nos 1929, dated 23rd February 1909, and 2405, dated 8th March 1909 —

—In exercise of the powers conferred by section 31, clause (a), of the Indian Forest Act, 1878 (VII of 1878), and with the previous sanction of the Governor General in Council the Governor in Council is pleased, in supersession of Government Notification in the Revenue Department No 7156, dated the 28th September 1897, to make the following rules to regulate the cutting of trees in the protected forests in the districts of Thana and Kolaba, namely —

Rules.

1. In these rules—

(a) the word “tree” includes all ground shoots which grow into trees, such as Kuda, Kudi, Pethari and Chera, but does not include bushes, and the word “bush” shall be deemed to include all ground shoots which do not grow into trees such as Kaiand, Ukshi, Phangli, Dharti and Nigudi ;

(b) the word “cultivator” includes—

(i) all persons who personally cultivate the soil, whether as tenants or in their own right ,

(ii) all landlords resident in a village and holding land therein, whether they cultivate the soil personally or through tenants ;

but does not include non-resident landlords

2. No forest produce shall be removed from a plot assigned for cultivation in protected forest or from any trees in such plot except by the authorised cultivator of such plot.

3. No forest produce shall be removed from any protected forest in a village or from any trees in such protected forest except by a cultivator of that village

4. Save as provided in rules 5 and 6 no person shall in any protected forest cut down, pollard, or lop any tree whatever.

5. In the protected forest of any village a cultivator of that village may cut down, lop or pollard for his own use any injali trees that are not fruit trees in accordance with the following rules but not otherwise :—

(a) in the case of injali trees 10* feet high or higher—

(i) the leading shoot must be permanently preserved along with all shoots from the topmost third of the main stem ;

(ii) shoots that have taken less than two years to grow may not be touched ; only shoots that have taken two years or more to grow may be lopped off ,

(b) in the case of injali trees less than 10 feet high—

(i) where several stems spring from the same root or stump the best of such stems with all shoots

* This should be translated in Maráthi “ 1½ purush”, a purush being the height to which an average man can reach standing.

from it shall be left untouched till the stem is 10 feet high, but all other shoots from the root or stump or from the ground within a yard* of the untouched stem may be cut down to the ground,

(ii) no stem growing singly may be cut or its side shoots lopped, unless it has an untouched stem growing within a yard* of it

Provided that with the previous permission of a revenue officer not lower in rank than a Māmlatdār such cultivator may cut down for his own use—

(a) any injail tree not useful for tahal or fruit, and

(b) any fruit tree and any leading shoot or best stem preserved under clause (a) (i) or (b) (i) of this rule when in the opinion of such officer such tree, shoot or stem is no longer useful for fruit or tahal.

6 In the protected forest of any village a cultivator of that village may, with the previous permission of a revenue officer not inferior in rank to an Assistant Collector or Deputy, Collector, cut down for his own use any tree other than an injail tree

Explanation — The Collector or Plant officer may, by written order delivered to the patel, authorize the cultivators of a village to cut down the after growth of teak black-wood and tivas, subject to the condition that two leading shoots from each stump with all their branches are left permanently untouched and may at any time modify such order by withdrawing such authority either from particular cultivators or from all the cultivators or in respect of particular areas, and such order as so modified shall be a saving order under rule 6.

Rules
regulating
the cut-
ting of
trees
in the
protected
forests
of the
Peint
taluka
of the
Nasik dis-
trict

150. Government Notification No 8783, dated 19th September 1911 —

—In exercise of the powers conferred by section 31, clause (a), of the Indian Forest Act, 1878 (VII of 1878), and with the previous sanction of the Governor General in Council the Governor in Council is pleased, in supersession of Government Notification in the Revenue Department, No 2163 (b), dated the 11th March 1905, printed at pages 330 and 331 of the *Bombay Government Gazette*, Part I, of the 16th idem, to make the following rules to regulate the cutting of trees in the protected forests in the Peint Taluka of the Nasik District, namely —

(The rules are the same as in the previous article)

* This should be translated in Marathi " ११ हत "

151. Government Notification No 185, dated 12th January 1886 —

—With reference to Government Notification No. 2792, dated 6th April 1885. published at pages 485 and 486 of the *Bombay Government Gazette* of the 9th idem, Part I, the following rules, made by the Governor in Council under section 31 of the Indian Forest Act, 1878, to regulate the management of the Protected Forest in the marginally noted villages of the Akola Taluka of the District of Ahmednagar, are published, with the previous sanction of the Governor General in Council, for general information :—

1 Lands of either of the two following descriptions may be cleared or broken up for cultivation in the said forest subject to the conditions, if any, respectively applicable thereto, viz. :—

(a) land the right to cultivate which has been recorded in an enquiry under section 28 of the Forest Act, or

(b) land let for cultivation under a lease which is at the time in force and has been granted under these rules.

2. The unoccupied land in the said forest suitable for cultivation having been divided off by the Survey Department, under the orders of Government, into fields which bear distinctive numbers and having been measured and assessed by the said Department at a moderate rent, any of the said fields (hereinafter called "numbers") may be let at the rent so assessed to any person who is, and has been for not less than five years previously, a resident of the village in which the number is situate, subject to the conditions contained in these rules.

3. The lease of a number may be sold by public auction or granted, at the discretion of the Divisional Forest Officer with or without payment of a premium.

4. Every lease granted under these rules shall be in the form A, hereto annexed and shall be executed by the Divisional Forest Officer, if he is competent under the rules in force in this behalf to execute such an instrument, or otherwise by the Conservator. No such lease shall be granted until the intending lessee has executed a counterpart agree-

ment in the form B, hereto annexed, bearing an endorsement of the tenor prescribed in the said form signed by the village officers

5 In the first year in which these rules are in force leases shall be granted for a term of thirty years. Leases granted after the said first year shall be for terms which will expire simultaneously with the terms of the first year's leases

6 The rent due annually in respect of lands leased under these rules shall be payable in two equal instalments on the 10th December and 10th January, respectively

7. On the expiry of the term of any lease granted under these rules, the lessee shall be entitled to a renewed lease for such term and subject to such conditions and the payment of such rent as Government shall think fit to prescribe

8 Every lease granted or renewed under these rules may at any time be cancelled by the Divisional Forest Officer or the Conservator of Forests —

(a) if the lessee or any co-sharer of the land held by the lessee is convicted of any offence under section 32 of the Forest Act and such conviction is not subsequently reversed or quashed ; or

(b) if the land included in the lease or any portion of it is subjected, without the previous sanction of the Divisional Forest Officer or of the Conservator of Forests, to any mortgage charge, sub-lease or alienation ; or

(c) if the land included in the lease or any portion of it is subjected to *dahi* cultivation ; or

(d) if any instalment of rent due in respect of the land is not paid, or recovered under section 81 of the Forest Act, before the close of the revenue year in which it is payable, or

(e) if the lessee ceases to be a resident of the village in which the land is situate

When a lease is cancelled under this rule, it shall be deemed for the purposes of Rule 1 to cease to be in force from such date as shall be fixed in this behalf by the officer cancelling the same

9. An appeal shall lie from any order made by the Divisional Forest Officer under the last preceding rule to the Conservator of Forests. The order of the Conservator of Forests shall be final.

10. No lease granted under these rules shall be deemed to confer upon the lessee any right in or over the trees or other forest produce of the land included in such lease ; but subject to a reservation of the right of Government at any time to reconsider and amend or cancel such concession and to the provision of Rule 11, the Governor in Council directs that the lessee of any land of which a lease is granted or renewed under these rules shall be permitted upon or from the said land—

(a) to lop trees, not being trees which are reserved under section 29 of the Forest Act, for the purpose of obtaining *rāb* for manure ;

(b) with the written authority of the Divisional Forest Officer to cut and remove trees, not being trees reserved, as aforesaid and not exceeding 15 inches in circumference at the base, which, in the opinion of the said officer, impede cultivation ;,

(c) to pasture and to cut and remove grass for his own cattle, sheep and goats ;

(d) to gather and remove edible fruits and roots ;

(e) to gather and remove dead wood for fuel ;

(f) to quarry or gather and remove stones for his own use for any agricultural or domestic purpose.

11. Lessees exercising the privilege of lopping trees for obtaining *rāb* conceded by clause (a) of the last preceding rule, shall leave uncut a main leading shoot (*shenda*) of each tree which they so lop.

12. Any person permanently residing in any of the said villages may, in any unoccupied number of the Protected Forest in the village in which he resides, pasture, or cut and remove grass for his own cattle, sheep and goats without license or payment of any fee.

The Governor in Council reserves the right at any time to reconsider and amend or cancel this concession.

13. Except as provided in Rule 10 and in the last preceding rule, no cattle, sheep or goats may be pastured and no grass may be cut in the said Protected Forest without written authority from the Divisional Forest Officer.

FORM A

(See Rule 1)

*Form of Lease*To *A. B.*, resident of

I, *C D* (here enter *the execution's official designation*),
by order of the Governor of Bombay in Council, hereby grant
on behalf of the Secretary of State for India in Council,
to you *A. B.* a lease for years, commencing from the
day of 19 , of the field No. in the
protected forest of the village of in the
Akola Taluka of the Ahmednagar District on payment of
an annual rent therefor of Rs.

This lease is granted subject to the provisions of the
Indian Forest Act, 1878, and of the rules from time to time
in force in the said Protected Forest framed under section 31
of the said Act

Dated the day of 19 .

(Signed)

C. D.

FORM B

(See Rule 4.)

Form of Counterpart Agreement .

To the Secretary of State for India in Council

I, *A B*, inhabitant of in the Akola Taluka of
the Ahmednagar District, hereby accept the lease of the field
No in the Protected Forest of the above village for
the term of years, commencing on the day of
19 , subject to the provisions of the Indian Forest Act,
1878, and of the rules from time to time in force in the said
Protected Forest framed under section 31 of the said Act,
and I undertake to pay annually Rs on account of
the rent of the said No in the instalments and on the
dates prescribed in this behalf in the rules aforesaid.

Dated the day of 19 .

Written by

(Signed)

Signed by *A B* in the
presence of*A. B.*

Endorsement.

We, the undersigned, declare that, to the best of our knowledge and from the best information we have been able after careful inquiry to obtain, the person who has executed this agreement is *A. B.*, resident of the above-named village of _____, and that he has been residing in the said village for a period exceeding five years and is a fit person to be accepted as responsible for the punctual payment of the rent of the number which has been leased to him.

(Signed) *E. F.*, Patel, } of the above village of
(„) *G. H.*, Accountant, }

152. Government Notification No 1915, dated 28th March 1887 — With reference to Government Notification No. 4352A, dated 18th June 1886, published at pages 528-530 of the *Bombay Government Gazette* of the 24th idem, Part I, the following rules made by the Governor in Council under section 31 of the Indian Forest Act, 1878, to regulate the management of the Protected Forest in the village of Samrad in the Akola Taluka of the District of Ahmednagar, are published, with the previous sanction of the Governor General in Council, for general information:—

Rules
regulating
the
manage-
ment of
the
Protected
Forest in
the village
of Samrad,
Akola
Taluka

(The rules are the same as in the preceding article.)

153. Leases granted under the rules in the preceding two articles are exempt from stamp duty, *vide* article 253.

Exemp-
tion from
stamp
duty of
leases of
land in
Akola
Protected
Forest.

CHAPTER XIX.

SECTIONS 35 to 38.—CONTROL OF FORESTS
NOT THE PROPERTY OF GOVERNMENT.

154. The following is the form of notice to be issued under section 35 of the Indian Forest Act, 1878 :—

Form of
notice
under
section 35.

Notice.

From

To

This is to give you notice under section 35 of the Indian Forest Act, 1878, that His Excellency the Governor of Bombay in Council has it in contemplation to issue a notifi-

cation under the said section of the said Act prohibiting [or prescribing the following, or similar regulations for] the breaking up or clearing of land for cultivation [or the pasturing of cattle, or the firing or clearing of the vegetation, or each of these operations, as the case may be] within the limits of the forest [or waste land, as the case may be], mentioned in the schedule hereto annexed [If regulations are to be prescribed, here add, viz (1), (2), (3), etc.] If you wish to show cause why such notification should not be made, you should appear within two months from the date of receipt of this notice before who has been appointed by Government to hear your objections (if any) and the evidence you may produce in support of the same.

(Signed)

Dated at }
the day of 19 }

(Government Resolution No 3280, dated 25th June 1880.)

Notification
applying the
provisions
of the
Forest
Act to the
lands of
Tulsi
vested in
the
Bombay
Municipal
Corporation

155. Government Notification No. 1019, dated 3rd February 1896 —Whereas the land hereinafter specified is vested partly by virtue of proceedings taken under the Land Acquisition Act, 1870, and partly by virtue of the Indenture dated 19th January 1883, in the Municipal Corporation of the City of Bombay as owners thereof, and the said Corporation have, by their Resolution No 13936, dated 19th March 1891, represented in writing to the Collector of Thana their desire that such land be managed on their behalf by the Divisional Forest Officer in charge of the Salsette Range as a Reserved Forest, the Governor in Council is pleased, in exercise of the powers conferred by Section 38 of the Indian Forest Act, 1878, as amended by the Forest Act, 1890, to apply the provisions of Section 25 and of Chapters VIII, IX, X, XI, XII, XIII, XIV of the said Act, amended as aforesaid, to the said land, that is to say, to the entire lands of Tulsi containing 2,191 acres and 23½ gunthas, save and except such portion thereof as is occupied by the Tulsi Lake and the Municipal Bungalow. The said lands are bounded as follows — On and towards the north-west by the lands of Magatan; on and towards the north-east by the lands of Ewoor; on or towards the east by the lands of Panch Pakhadi; on or towards the south partly by the lands of Vehar and partly by the lands of Gundgaon, and on or towards the west by the lands of Pomsur.

Inamdars'
Forests

156. For orders regarding Inamdars' forests see articles 354 to 375.

CHAPTER XX.

SECTION 39.—DUTY ON TIMBER AND OTHER FOREST PRODUCE.

157. His Excellency the Governor in Council is pleased to direct that no duty should in future be levied under the Forest Act, VII of 1878, on Baroda State produce passing through or into any part of British territory. (Government Resolution No. 8033, dated 28th September 1891.)

No duty leviable on forest produce imported from, or exported to, the Baroda State.

His Highness the Gaikwar of Baroda undertakes not to levy duty in future upon any British timber passing through Baroda territories, whether by land or by water. (Letter from the Diwan of Baroda, No. 2265, dated 10th October 1891—Government Resolution No. 10197, dated 12th December 1894.)

158. Mysore should not be treated as foreign territory for the purposes of the Tariff Act, 1894, under which foreign forest produce coming into British territory is subject to a duty of 5 per cent on its value. (Government Resolution No. 4814, dated 4th June 1891.)

No duty leviable on forest produce imported from Mysore.

CHAPTER XXI.

SECTION 41.—CONTROL OF TIMBER AND OTHER FOREST PRODUCE IN TRANSIT.

Rules.

159. Government Notification No. 1133, dated 9th August 1880, as amended subsequently.—Under the provisions of Section 41 of the Indian Forest Act, No. VII of 1878, His Excellency the Right Honourable the Governor in Council is pleased, with the previous sanction of the Government of India, to make the following rules* for regulating the transit of timber and other forest produce —

Rules for the transit of forest produce in the Presidency proper.

1. All words used in these rules and defined in the Indian Forest Act, VII of 1878, as amended by the Forest Act, V of 1890, shall be deemed to have the meanings attributed to them respectively by the said Act amended as afore-said.

* These rules are not in force in Ahmedabad, Kaira and Broach districts. (Government Notification No. 2430, dated 22nd March 1883.)

These rules do not apply to myrabolams produced within the ranges of Khed, Junnar and Ambegaon and sold on the trees producing them. (Government Notification No. 9813, dated 26th September 1908.)

For rules in force in Sind, see Appendix B to these rules.

2. No timber or other forest produce shall be moved into or from any of the districts in the Presidency of Bombay mentioned in Appendix A, except by the routes therein respectively specified or by such routes as may be entered in the pass by the Conservator of Forests or by any officer of Government authorized by him in that behalf.

3. No timber or other forest produce shall be moved within any district of the Bombay Presidency, except within the limits of a Reserved Forest (whether a Village Forest or not) or of a Protected Forest, and, except as is hereinafter otherwise provided, no timber or other forest produce shall be moved from or into any such district, without a pass from a Conservator of Forests, or from some Officer empowered by a Conservator of Forests, or from some person duly authorized under Rule 13 to issue such passes, nor otherwise than in accordance with the conditions of such pass: provided that nothing in this rule shall be deemed—

(a) to apply to timber or forest produce which is the property of Government; or

(b) to apply to timber or other forest produce, the property of one person, or the joint property of two or more persons, which is conveyed in quantities not exceeding one headload once in twenty-four hours, or

(c) to require a pass for the removal of any timber or other forest produce within the limits of the village in which it was produced.

4. Every pass issued under the last Rule shall specify—

(1) the name of the person to whom such pass is granted,

(2) the quantity and description of timber or other forest produce covered by it;

(3) the places from and to which such timber or other forest produce is to be conveyed, and the route by which it is to be conveyed;

(4) the period for which such pass is to be in force;

(5) the person to whom it is to be returned on the expiry of such period, or on the arrival of the timber or other forest produce at its destination, whichever event happens the first.

5. In the case of timber or other forest produce which it is wished to import otherwise than by sea from any place beyond the frontier of British India, no pass shall be issued

under Rule 3 unless upon production of a "Foreign Pass" covering such timber, or other forest produce, nor, if such timber be of large scantling, unless it bears a Foreign Property Mark.

6. Every such Foreign Pass must be in a form, and every such Foreign Property Mark must be of a description, which has been registered in the office of the Conservator of Forests of the circle into which it is sought to import such timber or forest produce, and such Foreign Pass must bear the signature of some officer or other person whose name or official designation has been duly registered in the said office as an officer or person duly authorized to sign such passes.

7. Any timber or other forest produce which it is wished to import otherwise than by sea from any place beyond the frontier of British India, may be conveyed within such frontier by any of the routes named in Appendix A or by such routes as may be prescribed by the Conservator of Forests or by any officer of Government authorized by him in that behalf as far as the first depot on such route established under Rule 15, without a pass under Rule 3, if it is covered by a foreign pass in proper form and duly signed and if, in the case of timber of large scantlings it is marked with a registered Foreign Property* Mark, but not otherwise.

No such timber or forest produce shall be stacked or deposited in any place between the frontier and such depot, or be moved beyond such depot without a pass issued under the said rule.

8. If the Conservator of Forests of the circle shall so direct, no timber of large scantling, which has been imported as aforesaid by any particular route, shall be moved beyond such first depot without first having a Government transit mark of such description as the said Conservator shall prescribe stamped upon it

9. In respect of every pass issued under Rule 3, there shall be payable such fee, if any, as the Conservator of Forests shall, from time to time, prescribe with the previous sanction of Government, for each district, and no such pass shall be issued until the fee so prescribed has been paid.

10. No person who belongs to a community to which a village Forest is assigned and no inhabitant of a town or village in the vicinity of a Protected Forest, who is

* Material of the lopping class and under requires no such stamp.

permitted to take timber or other forest produce from such forest for his own use, shall be entitled to receive a pass under Rule 3 for the removal of timber or forest produce from such forest to any place beyond the limits of the town or village in which such person resides. Provided that in the district of Kanara a pass may be issued for moving from the said district any timber which has been given, on payment of the fees, to be hereafter prescribed, for a specific purpose, and has been used by the grantee for that purpose, but only on payment of an additional fee of 50 per cent on the amount of the fee originally paid, if such timber is being moved by any person other than the original grantee, unless the Collector, or the Conservator of Forests, or any of their Assistants or Deputies to whom an application may be made in this behalf, shall be satisfied that such timber is being moved for charitable purpose and shall be of opinion that such additional fee should be reduced or remitted, in which case a pass may be granted either without additional fee or on payment of a reduced fee, as the Collector or other officer aforesaid shall determine.

11. In every other case the owner of timber or other forest produce shall be entitled to receive a pass for the same under Rule 3 for any of the purposes for which such passes may be granted.

12. In the district of Kanara, passes under Rule 3 for the moving of timber or other forest produce beyond the inland frontier of the said district will be issued in duplicate, one white and one green, and the date of exit will be recorded upon each of such duplicate passes by the Forest Officer at the appointed watch house on the frontier, and the green pass shall be surrendered by the holder thereof to such officer, who shall return it without delay to the office from which it was issued.

13. The Conservator of Forests or any Divisional Forest Officer specially empowered by him in this behalf may, if he thinks fit, at any time by an order in writing—

(a) authorize any person who is an owner of timber or other forest produce, or the agent of any such owner, to issue passes under Rule 3 in respect of any timber or other forest produce which belongs to such person, or to the person, for whom such person is agent, and

(b) cancel such authorization.

When the Conservator of Forests or Divisional Forest officer authorizes any person under clause (a) of this rule he shall furnish such person from time to time with authenticated

books of blank printed forms of passes. The period under clause (4) of Rule 4 shall be calculated thus :—The day of issue *plus* a day for transit to any point up to 15 miles from the village of origin *plus* an additional day for every additional 15 miles or fraction thereof. With respect to clause (5) of Rule 4, passes shall be returned to the owner or agent authorised to issue the same.

The said person shall pay for each such book such sum as shall from time to time be determined by the Conservator of Forests, and in the event of an order being passed by the Conservator of Forests or Divisional Forest officer under clause (b) of this rule, shall at once return to the said Conservator or Divisional Forest officer every unused book and every unused portion of any such book then remaining in his possession, and shall be entitled to receive back the amount paid by him in respect of such unused book or portion of a book.

No pass issued by any such person after the issue of an order under clause (b) of this rule, and no pass issued by him which is not on a form supplied to him as aforesaid, shall have any validity.

No person who has been authorized to issue passes under this rule shall issue passes otherwise than in accordance with the conditions of his authorization.

And no such person shall charge any fee for any pass issued.

14. Timber or other forest produce in transit may be stopped and examined at any place by any Forest or Police Officer if such officer shall have reasonable ground for suspecting that any money is payable to Government in respect thereof has not been paid, or that any forest offence has been or is being committed in respect thereof.

The person in charge of any such timber or other forest produce shall furnish to any such officer all the information which he is able regarding such timber or other forest produce, and if he is removing the same under a pass shall produce such pass, on demand, for the inspection of such officer, and shall not in any way prevent or resist the stoppage or examination of the said timber or other forest produce by such officer :

Provided always that no such officer shall vexatiously or unnecessarily delay the transit of any timber or other forest produce which is lawfully in transit, nor vexatiously or unnecessarily unload any such timber or other forest produce, or cause the same to be unloaded, for the purpose of examination.

15. The Conservator of Forests may establish at such convenient places as he shall think fit on the routes by which timber or other forest produce may lawfully be conveyed, depôts to which such timber or other produce shall be taken for all or any of the following purposes, namely :—

for examination previous to the grant of a pass in respect thereof under Rule 3 or under Rule 13, or

for determining the amount of money, if any, payable on account thereof to Government, and for the payment of such money, or

in order that any mark required by law or by these rules to be affixed thereto, may be so affixed.

16. A Forest Officer appointed by or under the orders of the Conservator shall have charge of each such depôt, and no timber or other forest produce shall be brought into, stored at, or removed from a depôt without the permission of such officer, and for storing timber or other forest produce in such depôt, and allowing laden carts, or loads, or cattle to stand or be deposited therein, such fees shall be payable as the Conservator of Forests, with the previous sanction of Government, shall from time to time notify.

17. The Conservator of Forests shall from time to time make known by notification published in the *Bombay Government Gazette*, and locally in such manner as he deems fit, the name and situation of every depôt in his circle.

18. The person in charge of any vessel which carries timber or other forest produce on a river on the banks of which one or more of such depôts are situated, shall call and stop his vessel at each such depôt which he has to pass, in order that the timber or other forest produce may be examined, if necessary, under the provisions of Rule 14, and the person in charge of such vessel shall not proceed with such vessel past any such depôt without the permission of the Forest Officer in charge of such depôt.

19. No person shall close up or obstruct the channel or any portion of the bank of any river lawfully used for the transit of timber or other forest produce, or throw grass, brushwood, branches, or leaves into any such river, or do any other act which may cause such river to be closed or obstructed.

20. Any Forest Officer not lower in rank than an Extra Assistant Conservator of Forests may take such

measures as he shall at any time deem to be emergently necessary for the prevention, or removal of any obstruction of the channel, or of any part of a bank of a river lawfully used for the transit of timber or other forest produce, but any such case which is not emergent shall be reported to the Collector, who may by written notice require the person whose act or negligence has caused or is likely to cause the obstruction, to remove or to take steps for preventing the same within a period to be named in such notice, and if such person fails to comply with such notice may himself cause such measures to be taken as he shall deem necessary.

The reasonable costs incurred by a Forest Officer or by the Collector under this rule shall be payable to Government by the person whose act or negligence necessitated the same.

21. Within the limits of any reserved forest or protected forest in charge of the Forest Department and within one mile beyond such limits, no person shall establish a saw-pit, erect any machinery or other plant for the cutting, converting or fashioning of timber, or manufacture charcoal without the previous sanction in writing of a Forest Officer not lower in rank than a Range Forest Officer.

Explanation.—This rule does not apply to the ordinary operations of domestic carpentry, or to other similar work on a small scale.

22. No timber of large scantling which does not belong to Government shall be moved from any district of the Presidency of Bombay, unless there is affixed thereto a distinguishable private property-mark* of the owner of such timber of a description which has been registered in the office of the Conservator of the Circle or of the Divisional Forest Officer nor (if the said Conservator shall so direct) unless there has been made thereupon a Government transit mark of such description as shall from time to time be prescribed in this behalf by the said Conservator.

23. The Conservator of Forests or the Divisional Forest Officer shall, upon receipt of an application for registration of any form, mark, or name for the purposes of Rule 6 or Rule 22, inquire into the authenticity of the same, and if he sees no objection shall, on payment by the applicant of such fee as shall from time to time be prescribed by Government, register such form, mark, or name in his office.

* Material of the lopping class and under requires no such stamp.

Every such registration shall be held good for a period of one year only.

21. No person other than a Forest Officer whose duty it is to use such mark, shall use any property-mark for timber which is identical with, or nearly resembles any Government transit mark, or any mark with which timber belonging to Government is marked; and no person shall, while any timber is in transit under a pass issued under Rule 13, alter or efface any mark on the same.

25. Nothing in the foregoing Rules 2 to 21, both inclusive, shall be deemed to apply to the Province of Sind.

In that Province the special rules contained in Appendix B shall be applicable.

26. Any person who breaks any of the foregoing Rules 2 to 21, both inclusive, or any of the rules contained in Appendix B shall be punished with imprisonment for a term which may extend to six months, or a fine which may extend to five hundred rupees, or both.

27. Nothing in the foregoing Rules 2 to 26, both inclusive, shall be deemed to apply to the city of Bombay as defined in the Bombay General Clauses Act, 1866.

APPENDIX A (see Rule 2).

Routes by
which
forest
produce
may be
moved

Routes by which alone timber and other forest produce may be moved into or from any of the following districts, namely :—

1. *Thana District.*

- | | |
|------------------------------|-------------------------|
| 1. G I P Railway Line. | 8 Sanjan Bandar. |
| 2. B B. & C I. Railway Line. | 9 Sowta Bandar. |
| 3. Bombay and Agra Road | 10. Apti Bandar |
| 4. Bombay and Poona Road. | 11 Dysar Bandar. |
| 5. Panvel and Campoh Road. | 12 Manor Bandar. |
| 6. Bhore Ghat | 13 Sayeli Bandar |
| 7. Kusur Ghat. | 14. Morambe Bandar. |
| | 15. Battan Bandar. |
| | 16 Mori Bandar. |
| | 17. Joo Nandruk Bandar. |
| | 18. Pishi Bandar. |

2. Kolaba District.

- | | |
|-------------------------------|----------------------------|
| 19. Pen and Campoli Road. | 25. Alibag and Revas Road. |
| 20. Pali and Nagothna Road. | 26. Pimpri Ghat. |
| 21. Dharamtar and Pen Road. | 27. Alibag Bandar. |
| 22. Mahad-Warandha Ghat Road. | 28. Durshet Bandar. |
| 23. Mahad and Ratnagiri Road. | 29. Amba Creek. |
| 24. Fitz-Gerald Ghat Road. | 30. Revdanda Creek. |
| | 31. Dige Creek. |
| | 32. Savitri River. |

3. Ratnagiri District.

- | | |
|------------------------------|-----------------------|
| 33. Ratnagiri-Poladpur Road. | 41. Bankot Bandar. |
| 34. Harnai Bandar. | 42. Anjarle Bandar. |
| 35. Khed Amboli. | 43. Anjanvel Bandar. |
| 36. Chiplun-Kumbhar Ghat. | 44. Jaygad Bandar. |
| 37. Amba Ghat, Ratnagiri. | 45. Ratnagiri Bandar. |
| 38. Bowra Ghat. | 46. Purangad Bandar. |
| 39. Phonda Ghat. | 47. Jaytapur Bandar. |
| 40. Vengurla-Belgaum. | 48. Viziadurg Bandar. |
| | 49. Malwan Bandar. |

4. Khandesh District.

- | | |
|-----------------------------|--------------------------|
| 50. G. I. P. Railway Line. | 54. All roads upon which |
| 51. Bombay and Agra Road. | Forest Depôts may |
| 52. Taloda-Kukarmunda Road. | from time to time |
| 53. Shaka-Isarvari Road. | be established |
| | under Rule 15. |

5. Nasik District.

- | | |
|---------------------------|-------------------------|
| 55. G. I. P. Railway. | 60. Kanohan Ghat. |
| 56. Bombay and Agra Road. | 61. Saibari Ghat. |
| 57. Bari Ghat Road. | 62. Babulna Ghat. |
| 58. Nasik-Sanganmer Road. | 63. Nandgaon-Aurangabad |
| 59. Chip Ghat. | 64. Dhond-Manmad State |
| | Railway. |

6. *Ahmednagar District.*

- | | |
|-----------------------------------|-------------------------------------|
| 65. Dhond-Manmad State
Railway | 69. Ahmednagar-P o o n a
Road. |
| 66. N a s i k-Ahmednagar
Road. | 70. Ahmednagar-Aurang-
abad Road |
| 67. Nasik-Poona Road | 71. Akola-B a r i G h a t
Road |
| 68. Manmad-Dhond Road | |

7. *Poona District*

- | | |
|-----------------------------------|--|
| 72. G. I. P. Railway Line. | 78. Poona-Panpur Ghat |
| 73. Dhond-Manmad State
Railway | 79. Poona and Satara
Road by Katraj
Ghat |
| 74. Malsej Ghat | 80. Poona and Sholapur
Road |
| 75. Bramanwada Ghat | 81. Nira Bridge Road |
| 76. Poona-Nasik Road | 82. Supa-Dhond Road |
| 77. Poona-Panvel Road | |

8. *Satara District.*

- | | |
|--|-----------------------------------|
| 83. Poona-Kolhapur Road. | 90. Amboli Ghat-Satara
Road. |
| 84. Sh e r i a t-W a r a n d a
Ghat | 91. T i v r a Ghat-Satara
Road |
| 85. Bhor-Pandharpur Road | 92. Chiplun-Karad Road. |
| 86. Satara-Pan d h a r p u r
Road. | 93. Varna Valley Road |
| 87. Satara-Bijapur Road | 94. Mala Ghat |
| 88. Nira Bridge-Pusesavli
Road. | 95. Fitz-Gerald Ghat |
| 89. Umraj-P a n d h a r p u r
Road | 96. Koyna River |
| | 97. Varna River. |

9. *Sholapur District.*

- | | |
|--|---|
| 98. G. I. P. Railway. | 104. Pandharpur-S a t a r a
Road. |
| 99. Sholapur-Poona Road. | 105. Pandharpur - Phaltan
Road |
| 100. Sh o l a p u r-Secunder-
abad Road | 106. Sholapur, Karmala
and Ahmednagar
Road. |
| 101. Sholapur-Bijapur Road | 107. Barsi-Yedsi Road. |
| 102. Pandharpur-B i j a p u r
Road | |
| 103. Pandharpur - Pusesavli
Road. | |

10. *Surat District.*

- | | |
|--|---|
| 108. Tapti River. | 112. Ambika River. |
| 109. Bansda-Bilimora and
Bulsar Road. | 113. Peint, Pardi and
Umarsadi Bandar
Road. |
| 110. Dharampur and Bulsar
Road. | |
| 111. Auranga River. | 114. B. B. & C. I. Railway. |

The roads on which the following Forest Depôts are established, viz.—

- | | |
|------------------|-----------------|
| 1. Wagai | 5. Amodnia. |
| 2. Jakria Bari. | 6. Kanchan Ghat |
| 3. Babulna Ghat. | 7. Chip Ghat. |
| 4. Karjai. | |

11. *Panch Mahals District.*

- | | |
|--------------------------|---|
| 115. Dohad-Pali Road. | 117. All roads upon which
Forest Depôts may
from time to time be
established under
Rule 15. |
| 116. Godhra-Baroda Road. | |

12. *Kanara District.*

- | | |
|--|---|
| 118. Tinai Ghat Road. | 126. Murdeshwar Bandar. |
| 119. Majali Road. | 127. Mouth of the Venkta-
pur River (Shirali
and Venktapur Ban-
dars). |
| 120. Mouth of the Kalinadi
River, Sadashivgad,
Kodibag and Kadra
Bandars. | 128. Bhatkal River (Bhat-
kal Bandar). |
| 121. Karwar Bandar. | 129. Gersapa Ghat Road
to Talgoopa (Ger-
sapa and Honavar
Bandars). |
| 122. Belikeri Bandar. | 130. Siddapur Road to
Sorab <i>via</i> Warda. |
| 123. Ankola Bandar. | 131. Sirsi to Sorab <i>via</i>
Banvasi. |
| 124. Mouth of the Ganga-
vali River, Munj-
gooni, Gangavali
and Gundbala. | 132. Sirsi to Sammasgi <i>via</i>
Dasankop. |
| 125. Mouth of the Tadri
River, Tadri, Agna-
shini, Mirjan,
Hegde, Dewgi,
Manki and Oopin-
puttum Bandars. | 133. Sirsi to Hangal and
Bankapur <i>via</i> Pala. |

- | | |
|---|--|
| 131. Katur to Murguddi | 138. Haliyal to Dharwar
via Mavinkop |
| 135. Mundgod to Bankapur
via Sauvalli. | 139. Haliyal to Belgaum-
Madanhalli. |
| 136. Mundgod Tadas via
Wadgatti | 140. Anshi Ghat Road via
Supa and Shitovde
to Belgaum. |
| 137. Yellapur to Hubli
via Kirvatti | 141. Supa via Jagalbet
Amod and Hem-
adge to Khanapur. |

13. *Dharwar, Belgaum and Kaladgi Districts*

Every made road maintained from Imperial, Provincial, Local or Forest Funds, and, with the special permission of the Conservator of Forests, any other road

Transit
rules for
the Pro-
vince of
Sind

* APPENDIX B (see rule 25)

1. No timber or charcoal shall be brought within the municipal limits of the cities of Shukárpur, Sukkur, Rohri and Hyderabad except by the roads and landing-places mentioned below, namely —

Roads	Landing places
Shukárpur, Abad, Melani and Ruk Road	On the Sind Canal at Lakhu Tor.
Sukkur, Abad, Melani and Shukárpur Roads	Sukkur Bunder.
Rohri-Multan Road ..	Rohri-Bunder
Hyderabad—road over old Phuleli Bridge, road over new Phuleli Bridge, Hajipur Road, Gidu Bunder Road	Gidu Bunder and near Bridge over the new Phuleli.

2 (1) The Officer in charge of the Sind Forest Circle may, if he thinks fit, at any time by an order in writing—

(a) authorize any person who is the owner of timber or other forest-produce, or the agent of such owner, or any officer, to issue passes in respect of any timber or other forest-produce, which belongs to such person or to the person for whom such person is agent, and

(b) cancel such authorization.

* This was substituted for the original Appendix B by Government Notification No 6907, dated 6th June 1917.

(2) Whenever the Officer in charge of the Sind Forest Circle authorizes any person under clause (a) of this rule, he shall furnish such person from time to time with authenticated books of blank printed forms of passes.

(3) Any person authorized to issue passes shall pay for each book of passes such sum as shall from time to time be determined by the Officer in charge of the Sind Forest Circle, and in the event of his authorization being cancelled shall at once return to the officer by whom he was authorized to issue passes every unused book and every unused portion of any such book then remaining in his possession and such person shall be entitled to receive back the amount paid by him in respect of such unused book or portion of book.

(4) No pass issued by any such person after his authorization has been cancelled and no pass issued by him which is not on a form supplied as aforesaid shall have any validity.

(5) No person who has been authorized to issue passes under this rule shall issue passes otherwise than in accordance with the conditions of his authorization.

(6) And no such person shall charge any fees for any pass issued.

3 Every pass issued by a person authorized under rule 2 shall specify—

(1) The name of the person to whom such pass is granted ;

(2) The quantity and description of timber or other forest-produce covered by it ;

(3) The places from and to which such timber or other forest-produce is to be conveyed and the route by which it is to be conveyed ;

(4) The period for which such pass is to be in force ;

(5) the officer to whom it is to be returned on the expiry of such period or on the arrival of the timber or other forest-produce at its destination, whichever event is the earlier.

4. No person shall remove timber or other forest-produce from any reserved or protected forest and no person shall remove any timber or charcoal from any land which is not included in a reserved or protected forest from or to any place within 20 miles of such forest, without obtaining a pass from the Forest Officer in charge of the Sind Forest Circle or from an officer specially empowered by him in

this behalf or from a person duly authorized under rule 2 to issue such pass, nor otherwise than in accordance with the conditions of such pass, except as is hereinafter provided :

Provided that nothing in this rule shall be deemed—

(1) to apply to timber or forest-produce which is the property of Government, or

(2) to apply to timber or forest-produce the property of one person or the joint property of two or more persons which is conveyed in a quantity not exceeding one headload and not oftener than once in 24 hours, or

(3) to require a pass for the removal of any timber or other forest-produce within the limits of the village in which it was produced

5. Every person in charge of any timber or charcoal to which these rules are applicable shall retain the pass relating to such timber or charcoal in his possession so long as the same is in transit, and shall on demand produce the pass for inspection by any forest officer or police officer and, if such timber or charcoal is being conveyed into the city of Shikárpur, Sukkur, Rohri or Hyderabad, shall produce for examination the pass at the stations called 'guards' established on the route leading to those cities

6 Any person who commits a breach of any of the foregoing rules 1, 2, 4 or 5 shall on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or both

Rules for export of forest produce imported from Native States into the Devgad taluka of the Ratnagiri district.

160. (1) Any trader wishing to export harda or other forest-produce imported from Native States under cover of a foreign pass shall submit a written application, duly dated, accompanied by the foreign pass to the talati of the village of Khalepatan in the Devgad Taluka of the Ratnagiri District

(2) The talati of the aforesaid village on receipt of such application shall at once issue the necessary export pass to the applicant and as soon as possible afterwards forward to the Mamlatdar the application together with the foreign pass received from the applicant, endorsing on the latter the number and date of the export pass issued.

(3) When the produce reaches the port named in the export pass issued by the talati of the aforesaid village, the Customs office at such port shall check the produce

with the pass, retaining the latter and issuing a shipment bill with an endorsement upon it quoting the number and date of the export pass.

(4) After issue of the shipment bill the Customs office concerned shall at once forward the export pass to the Mamlatdar who shall check the date of issue shown on the pass with the endorsement made by the talati of the aforesaid village on the foreign pass according to rule (2). In case of discrepancy or undue delay the Mamlatdar shall take the necessary steps against the talati issuing the pass (Government Resolutions Nos 7723, dated 29th July 1908, and 10250, dated 9th October 1908.)

Orders and Rulings relating to section 41.

161. Chapter VIII of the Indian Forest Act has no reference to forests or lands under forest, whether Government or private, but is intended to give the means of controlling timber and other forest-produce (as defined in section 2 of the Act) while in transit, irrespective of the source from which it may have been derived. The object of the chapter is not only to protect the produce of Government forests in transit, but also that obtained from private forests, and especially to prevent misappropriation. The entire chapter would be ineffective if any forest-produce was exempted from its operation. (Government of India, Home Department, No. 532-F, dated 20th June 1883; vide Government Resolution No. 5210, dated 12th July 1883.)

162. *All forest-produce therefore derived from private forests must necessarily be made subject to the application of the rules issued under section 41 of the Act; unless indeed these forests are so situated that the produce obtained from them does not mingle, while in transit, with the produce derived from other forests, in which case the particular area concerned might be exempted from the operation of the said rules.

Every facility should be afforded by the Forest Department to the owners of private forests and their agents for obtain-

* These Resolutions were passed before Act V of 1890, which amended section 41 and the definitions of 'timber' and 'forest produce' in section 2 of the Indian Forest Act, became law. The original section 41 limited the control of timber in transit to timber found in or brought from a forest, and gave no authority to require the taking out of a pass, under the rules, for trees felled on fields in occupation of land-holders, as was previously the practice. The object of the amendments was to remedy this defect. The rules under section 41 now apply to 'forest produce' as defined in amended section 2.

ing passes to cover the produce of their forests while in transit and the details of any arrangements which may be sanctioned for this purpose should receive the widest possible publicity, so as to leave no room for doubt on the subject.

It is for the interest of the Forest Department readily to grant the requisite authority to all respectable and reliable owners of private forests or their agents for the issue by them of passes to cover the produce of their forests while in transit, but the Conservators of Forests are invested with discretionary power in the matter, so as to prevent the issue of such passes falling into the hands of unscrupulous persons. (Government of India, No 831-F, dated 5th November 1884, *vide* Government Resolution No 9256, dated 22nd November 1884.)

When
patels
may be
empower-
ed to issue
passes.

163. It is highly inadvisable to dispense with the restriction under which passes are required for the removal from private lands of forest-produce which is not Government property. The restriction is one the retention of which appears to be desirable in the interests both of Government and of private property owners. It is effective in checking illicit cutting in Government forests and it serves to protect private lands from similar depredations. The necessity of a safeguard of this nature becomes greater as timber and forest-produce generally rise in value and are consequently more exposed to malpractices. In order, however, to minimise the trouble incidental to the enforcement of the rules, in districts where the forest establishment is small and there is much open country and little forest land, patels may be empowered to issue passes to owners for the removal of their forest produce (Government Order No. 11659, dated 28th November 1918)

No pass
required
for mov-
ing forest-
produce
within
forest
limits

164. Government have no power to direct that a pass or permit shall be required for moving cart-loads of wood within forest limits, and the proper remedy to prevent cart-loads going beyond forest limits without a pass is to watch the forests carefully as the Government of India have already pointed out (Government Resolution No 7322, dated 15th October 1886)

Wood
moved
from one
forest to
another.

165. If wood is brought into one forest from another it has moved out of forest limits. (Government Resolution No 1384, dated 4th March 1887.)

166. Land which is declared to be a reserved or a protected forest does not cease to form part of the village in which it was originally situated merely because it becomes a forest. Therefore, proviso (c) to No. 3 of the rules under section 41 of the Forest Act dispenses with the necessity of a pass for timber taken from a reserved or protected forest to any other part of the same village in which such forest is situated. (Government Resolution No. 3806, dated 26th May 1886.)

No pass required for moving forest produce within village limits.

167. Railway Companies have not been exempted from the operation of the rules for regulating the transit of timber and other produce published under section 41 of the Forest Act, and it is the duty of the Conservator of Forests to enforce obedience to those rules on the part of the Railway officials, and to seize and detain Railway wagons in which timber, or other forest produce, may be transported in contravention of them. Railway officials, like other persons, must comply with the provisions of the law. (Government Resolution No. 5663, dated 5th August 1889.)

Railway companies not exempted from transit rules.

168. Every forest pass accompanying imports of forest produce is, legally speaking, null and void as soon as the period for which it was granted expires. A renewed pass is requisite to cover the forest-produce to which it relates. But when the delay in transit is such as could not have been foreseen and is due to no fault of the person in charge, it would not be equitable to enforce penalties. (Government Resolution No. 470, dated 18th January 1884.)

Time limit for which a pass is valid.

169. A person, who had obtained from the Forest Department a contract for cutting timber, and had been supplied by the Forest Officer with pass-books containing the following endorsement:—"There are 100 passes in this book and there is the official seal in the centre of each pass. This pass-book is given to B, the contractor of Mouje M, Taluka W, in order that he may let the timber in the compartment go away" was sufficiently authorized in writing for the purposes of rule 13, and was guilty of no offence in issuing the passes. The accused who had acted in good faith could not be held criminally liable for the lapses of the Forest Officer in complying with the requirements of the rule and for not having obtained the authority in writing. (Balvantrav,

Authorizing persons under rule 13 to issue passes.

who obtained in October 1891 a book of passes for Government produce belonging to himself. Between October 1891 and 1892, he issued passes covering produce

Issue of passes for Government produce.

ment
produce
by a per-
son autho-
rized to
issue
passes for
private
produce

belonging to Government but it could not be made out what particular pass or passes covered the produce belonging to the Inamdar. The Inamdar was convicted under sections 411 and 109. Indian Penal Code, and rule 26 made under section 41 of the Forest Act, on a charge in general terms with reference to all the transactions *Held* that conviction under rule 26 could not be sustained, there being no express prohibition in rule 3 against issuing passes for forest-produce belonging to Government; held also, that the general charge was correct. (Waman Moreshwar, C. R. 24 of 1893)

NOTE.—The particular forest and produce for which passes may be issued should be mentioned in the authorization to be granted under rule 13. When passes are issued for a different produce, it becomes an offence under clause 5 added to that rule by Government Notification No. 8205, dated 2nd September 1911, and therefore punishable under rule 26.

Omis-
sion to
return
passes

171. There is no rule made under section 41. for the Khandesh (or other) district, similar to the one made for the Kanara district (i.e., Rule 12 of the rules under section 41) which provides for the return of passes issued under the Act and for the substitution of passes of a certain colour for passes of another colour. Under section 4, clause 5, of the existing rules it is necessary that passes should specify the officers to whom they are to be returned, but in the absence of any substantive provision, requiring the holders of passes to return them, the omission to return a pass cannot be held to be penal under the rules in force in the Khandesh (or other) district (Umeda, C. R. 14 of 1890.)

Award of
compensa-
tion in
case of
convic-
tion under
rule 26

172. When a person is convicted of an offence under rules 21 and 26, framed under section 41 of the Forest Act, compensation cannot be awarded in addition to the imposition of fine (Rajubhai Chandbhai, 5 Bom. L. R. 126)

Removal
of private
timber
through
reserved
forest by
an unau-
thorized
route

173. Read order (6) under section 25, Part I

Passes
required
for private
bamboos

174. Read order (3) under section 2, Part I.

175. For officers of the Revenue, Customs, Salt and Abkari Departments empowered under rule 14, of the rules under section 41 and rule 5 of Appendix B to the same rules, see articles 88 to 92.

Officers empowered to examine forest-produce in transit.

Transit by Sea.

176. In exercise of the power conferred by clause (c) of section 157 of the Sea Customs Act, 1878, and in supersession of the rules made under the said clause, the Governor in Council is pleased to make the following rule, viz. :—

Rules regulating transit of forest-produce by sea

No timber, firewood, bamboos, myrabolams, shikakai, charcoal or shembi bark shipped at any place declared under section 12 of the Sea Customs Act, 1878, to be a port or at any Customs port except the Port of Bombay and the Ports in Sind, and in the districts of Ahmedabad, Kaira and Broach may be carried in a coasting vessel ;

(a) unless at the time of shipment the shipper appends to his shipping bill a pass in one or other of the forms hereinafter mentioned covering such timber, firewood bamboos, myrabolams, shikakai,

Shipments of certain forest-produce requires a pass attached to the shipping bill.

charcoal or shembi bark, nor

(b) until the Customs Collector at the port of shipment shall have certified by endorsement on the shipping bill that a pass as aforesaid has been produced before him and cancelled by him. The pass

The Customs Officer may countersign the shipping bill and cancel the pass.

required by this rule shall be either :—

(a) A pass granted by a competent officer under No. 3 of the rules framed by Government under section 41 of the Indian Forest Act, 1878, and published by Notification No. 33, at

Form of pass required for shipment of forest-produce.

page 689, of the *Bombay Government Gazette* for 1880, Part I, and under the said section of the said Indian Forest Act, as amended by the Forest Act, 1890, amended by the rule published by Notification No. 5586, at page 818, of the *Bombay Government Gazette* for 1895, Part I, or

(b) A pass granted for the purpose of this rule by

(i) a person duly authorized under No. 13 of the said rules under the said Indian Forest Act, amended as aforesaid, or

(ii) an officer belonging to one or other of the classes following, that is to say—

Mámlatdáris	Talátis.
Head Kárkuns	Kulkarnis.
General Duty Kárkuns	Mahálkarnis.

(Government Notification No 9670, dated 1st December 1896.)

Shipments of certain minor forest produce do not require passes 177. On careful consideration His Excellency the Governor in Council has come to the conclusion that it is unnecessary to extend the list of articles of minor forest produce for which passes should be required before their export by sea is permitted (Government Resolution No 1956, dated 24th March 1900)

Passes and Pass Books

Form of transit pass 178. (1) The forest pass required by rule 3 of the rules under section 41 of the Indian Forest Act (*vide* article 159) for regulating the transit of timber and other forest-produce, should be in the following form —

Forest Pass

No
From
To
Road

Name of Holder	Description of Produce	Quantity	Value	Time allowed
			Rs. a p.	

Camp

Date

Pass to be returned to

Signature

Pass should be in duplicate 2) The pass should be in duplicate, so that the outer may be issued and the inner or counterfoil may be retained in the office of issue

Passes should be stamped 3) The office stamp of the principal forest officer of the district from which the pass or pass-book is supplied for issue should be imprinted upon the dividing line between the two

copies of the pass, so that one-half of the stamp should appear upon the counterfoil and the other upon the duplicate copy issued

(4) There is nothing in the above rules to prevent Foreign States from using their own registered passes in preference to passes obtained from the Forest Department. Foreign States may use their own passes.

(Government Resolution No. 1559, dated 8th March 1882.)

179. For passes and books of passes furnished to persons authorised to issue passes under rule 13 of the rules prescribed under section 41 fees at the following rates should be charged :— Prices of pass books

	Rs.	a	p.
For a book containing 100 passes	1	0	0
For a book containing 50 passes	0	9	0
For a book containing 25 passes	0	5	0
For a single pass	0	0	3

These rates apply to Sind also

(Government Notifications No. 4482, dated 17th April 1918, and No. 11204, dated 25th October 1919.)

180. There should be five classes of passes ; each should be printed on paper of a different distinguishing colour Class of pass according to the colour of the paper. under :—

Foreign pass	..	Colour green (special).
Inamdar's pass	.	„ yellow.
Malki number pass	..	„ „
Government pass (<i>i. e.</i> , pass for material extracted by Government agency)	..	„ red.
Pass for material extracted by consumers and purchasers and moved within a district.	..	green.
Pass for material extracted by consumers and purchasers and moved beyond the limits of a district (to be taken in exchange for the green pass at a frontier naka) where required		white.

CHAPTER XXII.

SECTION 51—DRIFT AND STRANDED
TIMBER.

Rules for
the collec-
tion of
drift and
stranded
timber.

181. *Government Notification No 5587-A, dated 20th October 1879, as amended subsequently*—In exercise of the power conferred by section 51 of the Indian Forest Act, 1878, the GOVERNOR in Council is pleased to make the following rules concerning the collection of drift and stranded timber —

1 Any person may collect timber of any of the descriptions set forth in section 45 of the Act, and, pending the bringing of the same to the proper depôt for the reception of drift-timber, may keep the same in his own custody, but he shall report his having done so within twenty-four hours to the nearest Forest Officer.

If it appears to the Forest Officer in charge of the Range in which the timber has been found that the cost of collecting and conveying such timber to such depôt is likely to equal or exceed the probable proceeds of its sale at the depôt, the timber

(a) if unmarked may be sold by or under the orders of the Divisional Forest Officer on the spot where it is found or collected,

(b) if marked shall not be collected by a Forest Officer.

2 Any person may register in the office of the Conservator of Forests one or more boats for use in salvaging and collecting timber on payment of a fee of one rupee for each boat

Such registration shall hold good for the period of one year only, but may be repeated from year to year.

3 Every person, whether a Forest Officer or not, who collects any such timber, shall be entitled to receive a recompense equal to 50 per centum of the estimated value of the timber. Such estimate shall be made by any forest officer not lower in rank than an Assistant Conservator of Forests, whom the Conservator specially authorizes in this behalf and the recompense shall be paid at once by Government

Provided that in special cases the Conservator may increase the amount of the recompense to a sum not exceeding 75 per centum of the value of the timber collected.

4. If the timber collected shall be proved to be the property of any person other than Government, such person shall be liable to pay to Government under section 50 of the Act the following amounts, *viz.* :—

(1) on account of salving and collecting, the actual amount of recompense paid to the person who collected it ;

(2) on account of moving, the actual cost incurred in moving it to the depôt for the reception of drift timber ,

(3) on account of storing, such fees as shall from time to time be fixed by the Conservator of Forests, with the previous sanction of Government for the storing of timber at such depôt.

5. No person other than a Forest Officer authorised in this behalf by the Conservator of Forests shall mark any timber, or have in his possession any hammer for marking any timber to which these rules refer.

6. Any person who breaks Rule 1 or Rule 5 shall be punished with imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

182. *Government Notification No. 1111, dated 18th February 1902* —In exercise of the powers conferred by section 51 of the Indian Forest Act, No. VII of 1878, as amended by Act No. V of 1890, the Governor in Council is pleased to make the following rules to regulate in the Province of Sind the matters specified in the said section, and to supersede, but so far only as the said Province is concerned, all previous rules on the same subject heretofore in force —

Rules.

(1) The Registrar of Boats on the River Indus shall, for the purposes of section 45 of the Indian Forest Act, 1878, be a Forest Officer entitled to collect all timber found adrift, beached, stranded, or sunk on, or on the banks or islands of, or in, the River Indus, and its tidal channels.

(2) With the sanction of the Commissioner in Sind, the Registrar of Boats may grant permission to any person to collect such timber as aforesaid, subject to the provisions of the Indian Forest Act, 1878, and of all rules in force thereunder.

(3) With the like sanction the Registrar of Boats may sell or otherwise dispose of any such timber as aforesaid, the ownership of which vests, or, under section 48 of the Indian Forest Act, 1878, shall have vested, in Government.

(4) Subject to provisions of Rule 5, every person who collects, moves, stores or disposes of any such timber as aforesaid without permission of the Registrar of Boats, or otherwise than in accordance with the provisions of the Indian Forest Act, 1878, and the rules thereunder, shall be punished for each offence with fine which may extend to twenty rupees.

(5) Nothing in Rule 4 shall render it punishable for the inhabitants of the island of Sadhbella in the River Indus to collect drift wood floating on to or close to the island, provided that boats are not used for the purpose.

183. Possession of beams—Held that the petitioners' conviction under section 51, for being in possession of beams belonging to Government was illegal, where the beams were found concealed in an open field which, it could not be said, was in the exclusive possession of the petitioner. (Narain Singh 3 Punj. L. R. 536)

CHAPTER XXIII.

PENALTIES AND PROCEDURE.

SECTION 57—PERISHABLE MATERIAL

184. The Divisional Forest Officers have been directed to see that in case any articles seized under section 52 of the Indian Forest Act, is subject to speedy decay, the fact is brought to the notice of the Magistrate concerned without delay, and he is requested to dispose of it at once under section 57 of the Act.

The Range Forest Officers should be held responsible for bringing without unnecessary delay to the notice of the Magistrate the fact of such property being in a perishable condition (Government Resolution No. 1058, dated 9th February 1897.)

SECTION 63—ARRESTS

185. The Conservators of Forests should issue orders to their subordinates that, in cases coming under section 63 of the Indian Forest Act, when the nearest Magistrate's Court is at a distance from the scene of the alleged offence and a Police station is within convenient access, an accused person who is ready and willing to give bail should be taken for that purpose to the Police station.

Procedure to be followed in taking bail.

The Police Superintendents should be directed in communication with the District Magistrates, to issue orders to officers in charge of Police stations requiring them in these cases to take bail in accordance with Chapter XXXIX of the Criminal Procedure Code. It is not desirable to increase the number of Police stations, merely for the sake of giving a wider operation to these orders. (Government Resolutions Nos. 1702, dated 4th March 1884, and 8279, dated 2nd December 1885, and Government Notification No. 10361, dated 24th December 1885)

NOTE—Under section 63A added by Act I of 1918 a forest officer not below the rank of Ranger can release on a bond a person arrested. There is therefore no need now to take an arrested person to a Police station for the above purpose unless the officer arresting happens to be below the rank of Ranger and the Ranger or other higher officer is at a greater distance than a Police station.

186. No restraint should be placed by subordinate forest officers on persons suspected of offences, except when they fail to satisfy the officer as to their identity and residence or when there is reason to fear they may not be forthcoming when wanted. In such cases the officers concerned should, if the case is one in which in his opinion further proceedings (apart from mere impounding of cattle) are necessary, arrest the offenders and send them to the nearest Magistrate or Police station as required by section 63, making at the same time the usual report to the Divisional Forest Officer. Cases in which the accused has been arrested as above should take their usual course without waiting for the orders of the Divisional Forest Officer. But in case an order to compound is received at any time before such a case is disposed of by the Magistrate having jurisdiction, the Magistrate should be informed of it and asked, if the accused complies with its terms, to discharge him under section 67 (2). (Government Resolution No. 4516, dated 15th June 1895.)

Cases in which offenders may be arrested

NOTE—This article should be read subject to the provisions of section 63A of the Forest Act.

NOTE (2)—Read paragraph 7 of the Legal Remembrancer's report given in article 188.

SECTION 67—COMPOUNDING CASES AND PROSECUTION OF OFFENDERS

PRINCIPLES TO BE OBSERVED IN THE TREATMENT OF OFFENCES.

Treat-
ment of
trivial
offences.

187. It is most undesirable that ignorant villagers should be prosecuted in the criminal Courts for taking from the Government forests a few twigs or small branches, or a little brushwood of inappreciable value. Such injudicious severity on the part of the officers of the Forest Department is calculated to do more harm than good and to excite widespread dissatisfaction and angry feelings. In no instance, at all events, should a person be prosecuted for a first offence of so exceedingly trivial a nature. A warning on the part of the Forest Officer would suffice. But if after being detected and warned once or twice, the same person is again discovered cutting Government trees the circumstances of the case would be altered, and wilful and repeated infractions of the law may form a suitable and proper ground for criminal prosecution. As far as possible, however, such prosecutions should be avoided and recourse should only be had to them when real injury is being caused to the Government forests, and when there is good reason to believe that the offender is deliberately and of set purpose transgressing the law. (Government Resolution No. 5730, dated 28th October 1880.)

The
gravity
of the
cases not
always
represented
by the
money
value
of the
damage.

188. (1) The orders in the preceding article should be strictly observed by all officers concerned, and should be applied to cases reported for departmental disposal by Forest Officer, empowered under section 67 of the Forest Act as well as to prosecutions in the Magistrate's Court. Arrests and punishments of all kinds for trivial forest offences should be avoided. It must at the same time be remembered that the gravity of a forest offence is not always to be measured by the amount of actual damage done to forest property. When mischief of even small actual money value has been deliberately committed, or when there has been persistent infraction of forest rules, the breach of law is aggravated by the intention with which it was committed and the offender may properly be punished. But it is necessary that punishment should be preceded by judicial investigation and that in cases of the kind just noticed the intentions of the offenders as well as their acts should be weighed, on the consideration

of evidence recorded under the sections prescribed by the law and after the accused persons have had opportunity for making their defence in the presence of the adjudicating officers. The Magistrates' Courts established in every taluka afford sufficient and accessible means for the trial of cases of forest offences in which Forest Officers may consider the infliction of punishment to be necessary, and the Governor in Council sees no reason in the circumstances of the forests of the Presidency that would call for the removal of such cases from the cognizance of the regular Courts and their reference to departmental tribunals specially constituted under the provisions of the Forest Act.

(2) On the other hand the Governor in Council is not prepared to accept at once the recommendation that the operation of section 67 should be placed in absolute abeyance. The Governor in Council does not contemplate the punishment of *trivial* forest offences either through prosecutions in the Magistrates' Courts, or through departmental proceedings; but the Government would not object, in the case of offences in which substantial damage has been done to the forests, or the payment of forest dues has been evaded, under circumstances that do not call for the infliction of exemplary or deterrent punishment, to their being compounded by the acceptance of compensation equivalent in value to the damage done or the amount of the dues evaded. It appears that the provisions of section 67 may probably be worked with benefit to the subject and to the Forest Department in a number of cases, under the limitation abovementioned and provided that the proceedings of Forest Officers under that section are subjected to the supervision of the Collectors

(3) The attention of officers exercising the powers prescribed by section 67 of the Forest Act is directed to the observations in paragraphs 5 and 10 of the report (given below) of the Remembrancer of Legal Affairs, No 1246, dated 25th August 1892.

It is open to serious question whether some Forest Officers have not exceeded their lawful powers in making arrests and detaining offenders and in holding inquiries into alleged forest offences, as well as in paying rewards for detection out of amounts accepted as compensation. The attention of all officers concerned is directed to the observations on these points in paragraphs 6, 7, 8 and 10 (given below) of the report of the Remembrancer of Legal Affairs above referred to.

Extract paragraphs 5 to 10 of the report of the Remembrancer of Legal Affairs, No 1246, dated 25th August 1892

"5. The alternative to payment of compensation is prosecution, and the suspected offender would necessarily be aware that he was liable to prosecution unless compensation is accepted. It rests with the suspected offender to elect whether he will await a judicial decision or tender compensation, and with the officer empowered to consider whether the tender should be accepted. Neither threat of prosecution nor demand of compensation is contemplated by the section

"6 It is not, I trust, out of my province to note that the practice referred to in paragraph 10 of the Minute under which 'sums realized as compensation are usually distributed as rewards among the forest subordinates who detected the cases, is utterly illegal, as even the Local Government has no power to direct rewards to be paid to officers and informers out of the sums realised under section 67 as compensation. Such power exists under section 75 only as to rewards to be paid out of *finer and confiscations* which must be regulated by rules. The Legislature has evidently not thought fit to give the Forest Department power both to assess and to distribute sums accepted in *compensation*.

NOTE.—See article 107. Rewards may be granted from funds especially provided

"7. In the second part of paragraph 13 it is observed that the second sub-clause of section 63 directs persons arrested for forest offences to be taken or sent without unnecessary delay before the Magistrate having jurisdiction. Section 12 of Act V of 1890 adds the words 'or to the officer in charge of the nearest Police station.' The power of arrest exists only where there is reasonable suspicion against the person arrested of his having been concerned in a forest offence punishable with imprisonment for one month or upwards. The Act gives no power of detention or restraint for the purposes described in the third part of paragraph 11 of the Minute, and for mere *cattle trespass*, unaccompanied by opposition to seizure, or by rescue after seizure, except

when it is permitted by the offender within the meaning of section 25 (d) or section 32 (g), it is difficult to see how there can be any power whatever to arrest.

"8. With reference to the part of paragraph 13 marked '3rd', I think there can be no doubt that forest officers have no power, and cannot be given power, to hold Pancháyats. A strict construction must be placed on section 71, as on all enactments conferring special powers.

Concerning Pancháyats
Maxwell on interpretation of statutes, 368, *et seq*

No special power is necessary to authorize Forest Officers to take the opinion of a Pancháyat for their own information or that of their superiors. But special power would be requisite and is not given to compel the attendance at such Pancháyat of the accused. The attendance of witnesses as to the amount of damage might be enforced by officers specially empowered in that behalf under section 71 (b).

"9. There can be no doubt, as observed in paragraph 13, '4th', that the acceptance of compensation by officers not empowered by name or as holding an office to accept compensation is clearly illegal, and when payment to such unempowered officers is induced by threat of prosecution or by restraint, it might amount to an offence under the Indian Penal Code.

"10. No detention would be justifiable for the purpose of inducing suspected offender to accede to a particular demand for compensation, nor does section 67 appear to contemplate any demand even by an officer empowered to accept." (Government Resolution No. 7907, dated 6th October 1892.)

NOTE.—Read article 202

189. The principles given below consisting of paragraphs 7 to 14 of the report of the Remembrancer of Legal Affairs, No. 1512, dated 17th October 1892, are in accordance with the instructions conveyed in Government Resolution No. 7907, dated 6th idem, and have the approval of Government.

The officers empowered under section 67 of the Indian Forest Act should, subject to the procedure laid down in the rules on the subject, satisfy themselves by correspondence as to the facts in each case. They must properly take into consideration consequential or prospective as well as

Legal Remembrancer's opinion on powers conferred by section 67

Determining gravity of an offence

actual damage in deciding whether amounts offered should, or should not, be accepted as compensation for offences committed in stay of further proceedings.

Extract from the report of the Remembrancer of Legal Affairs, paragraphs 7 to 14, No 1512, dated 17th October 1892

(7) One of the objects which Government evidently had in view in directing such departmental enquiry was to prevent compensation being taken in cases which a Court would treat as too trivial to call for punishment

Reasons for necessity of departmental inquiry 169

In other words, the departmental enquiry is deemed necessary to ascertain in each case that the offer of compensation has not been improperly induced

(8) The Act requires no inquiry whatever The only limit which section 67 (a) imposes on officers is a pecuniary limit The Legislature presumably considers that a man would not be likely to offer more than he would expect to lose by a judicial decision The suspected offender is left to judge for himself as to the adequacy of his offer

Regarding the extent of compensation liable to be paid

(9) But, then, the Legislature presupposes that no demand will be made or pressure used on the part of the officer empowered to accept compensation

No pressure to be used on the part of the officer empowered

(10) The section, in empowering acceptance by implication, requires that the offer should originate spontaneously with the person suspected.

The offer should be spontaneous

(11) If in practice it could be confidently expected that suspected offenders would always be left thus entirely to exercise their own free will and judgment, there might be little cause for fear that the sums offered and accepted would be unduly penal in amount

The ideal practice

(12) But since this ideal freedom of will is not invariably secured in practice, the only means to guard against the exercise of pressure by subordinates seems to be to require officers empowered to accept compensation to ascertain —

(a) That appreciable damage has been done

(b) That the offer made is not disproportionally high.

(13) As pointed out in paragraphs 3 and 4 of my No. 1246 of 25th August 1892, the Legislature have left to the Executive Government the power of supplementing the Act in the regulation and control of Forest Officers.

(14) The Act itself implies that there should be no demand or pressure on the part of Forest Officers. It would be unnecessary and out of place to prohibit by rules action which the Legislature has by implication left unauthorized. But it is within the legitimate scope of rules to provide procedure to guard against such unauthorized action. (Government Resolution Nos. 8626, dated 3rd November 1892, and 1355 dated 17th February 1893.)

190. The operation of section 67 of the Indian Forest Act requires to be carefully watched, and any tendency to have recourse to this mode of settlement in doubtful cases where the evidence would be insufficient to secure conviction before Magistrates must be promptly repressed. "Reasonable suspicion" of the commission of a forest offence is essential in every case compounded under section 67, Indian Forest Act. (Government Resolution No. 1899, dated 13th March 1891.)

191. (1) In every case in which the Divisional Forest Officer directs further proceedings to be taken, whether under section 67 or magisterially, in a case in which pound fines and charges have been paid, the reasons for doing so should be clearly stated in the order

(2) No order should be given to proceed under section 67 in any case in which the Divisional Forest Officer would not be prepared to order magisterial proceedings, in the event of the accused declining or failing, within a time to be fixed in the order, to comply with the terms of composition offered or agreed to. (Government Resolution No. 4516, dated 15th June 1895.)

REPORT AND REGISTRATION OF OFFENCES

192. The object which Government has chiefly at heart is that people should be protected against the imposition of unnecessary penalties under pretext of compositions for

Sufficient evidence required before cases are compounded

Reasons to be recorded in compounding or prosecuting cattle trespass cases

Compensation should not be demanded in cases unsuitable for prosecution in the alternative

Rules regulating the proceedings

of forest officers under section 67 of the Forest Act for the Presidency proper.

trivial offences and against illegal detentions and undue harassment in the course of proceedings taken with a view to such compositions (Government Resolution No 4516, dated 15th June 1895.)

It is clear that this object can only be attained if the *Divisional Forest Officer* is made acquainted with the discovery of an offence at the earliest possible date and thus placed in a position to watch the course of the subsequent enquiry.

I. First Report

1 Every forest guard shall keep a "Forest Report Book", which will be printed in triplicate, and immediately on an offence coming to his knowledge shall fill up or cause to be filled up a form of "First Report" the triplicate copy of which he shall despatch or take to the guard of his round and despatch the duplicate copy to the *Divisional Forest Officer* direct.

2. If the knowledge of an offence is obtained from the report of an informer, the forest guard shall proceed at once to the place, and after verifying the report shall make his "First Report" without delay.

3. If the forest guard cannot write and can obtain no one to write his report, he shall at once go to his Round Guard and have the report written by him from his own verbal report.

4 A guard is personally responsible for writing and despatch of the First Report. The counterfoil is his voucher for the report having been made.

5 A guard shall always carry his First Report Book on his person and produce it for inspection on demand by any Government official.

NOTE.—Rules 1 to 5 should be separately printed as slips and pasted on the cover of the First Report Book.

6. This procedure is laid down especially for forest guards, who ordinarily are the first discoverers of an offence, but shall also be applicable to any forest officer discovering an offence.

7. The First Report shall on no account be enclosed in a packet with other papers, and the envelope containing it shall be distinctly marked "First Report".

II. Enquiry Register and Report.

8 Every Round Guard shall keep an "Enquiry Register" and immediately on receipt of a First Report (rule 1)

he shall enter the facts in that register and shall forward the First Report without delay to the head-quarters of his range. He shall then at the earliest possible date after receipt of the First Report proceed to the spot where the offence has been committed and complete his Enquiry Register as provided.

9. The Round Guard will be held responsible that the fullest possible enquiry is made, including the drawing up of the *panchnama*, the recording of statements of the witnesses for the prosecution of the accused and of his witnesses. The offender must always be formally asked to cite witnesses, and should he refuse to do so it should be recorded as part of the statement.

10. At the same time as the Enquiry Report is sent to the range head-quarters, a report under section 52, clause 2, Indian Forest Act, shall be submitted to the Magistrate whenever any property has been attached, and a copy of this report shall be attached to the Enquiry Report by the Round Guard.

11. As soon as the enquiry is complete, the report with its accompanying statements (rules 9 and 10) shall be forwarded to the Range Forest Officer.

12. No head of the Enquiry Report shall ever be returned blank, for instance "if no previous warning, conviction or reason for special punishment" is known, then a note to that effect must be entered in the report.

13. No letter or statement of opinion is to accompany the Enquiry Report. Whatever of this nature the Round Guard has to say must be embodied in his statement as a witness for the prosecution and attached to the report.

14. This procedure is specially laid down for Round Guards who ordinarily carry out enquiries, but it shall also be applicable to any forest officer making enquiry.

III. Range Offence Register.

15. The Range Forest Officer (or his clerk should he be absent on tour) shall put the triplicate copy of the First Report received through the Round Guard (rule 8) on a special bill wire.

16. If the Range Forest Officer is aware of any previous warning or conviction or reason for special punishment which has not been recorded by the Round Guard, he shall enter

the same in the Enquiry Report over his signature. No addition or alteration may on any excuse be made in the Enquiry Report.

17. If, in the opinion of the Range Forest Officer, the enquiry is complete, he shall forward the Enquiry Report and its accompaniments to the Divisional Forest Officer without delay, after noting the pieces of the same in the First Report placed on bill wire.

18. When the Divisional order and the final disposal (rule 25) have been entered in it, the First Report will be removed and placed in a file which will serve the purpose of a Range Offence Register.

IV. Further Enquiry Report

19. If, however, the Range Forest Officer thinks further enquiry is required, he shall on no excuse return the papers to the Round Guard, but shall himself proceed, with the least possible delay, to make such further enquiry and record the result in a "Further Enquiry Report" as provided and forward the Enquiry Report together with his Further Enquiry Report to the Divisional Forest Officer for orders.

V. Divisional Offence Register.

20. Every Divisional Forest Officer shall keep a "Divisional Offence Register" and immediately on receipt of a First Report (rule 1) shall enter the details in that register and keep the report stamping it "To await Enquiry Report".

21. The Divisional Forest Officer shall, on receipt of the Enquiry Report and its accompaniments (rule 17), complete the entry of the offence in his register and record his order on the case. He shall then return the papers together with the copy of his order (in the form provided) to the Range Forest Officer for disposal and stamp the First Report "To await Final Report".

22. It must necessarily be left to the Divisional Forest Officer to judge what action is necessary, but it is well to point out that (unless the case is a serious one, rule 24), if the evidence of the Enquiry Report fails to be convincing, even though it may seem to the Divisional Forest Officer that it might be strengthened by further enquiry, it will be better to write off the case under * A or B (Divisional order, rule 21),

* A = No proof, no further action can be taken

B = Warn the offender

C = Recover Rs. as compensation within 3 days etc.

D = Pro-ecute

and to proceed separately to the departmental punishment of the subordinates responsible for the failure of justice, rather than to permit the undue lengthening of the case which would result from further enquiry.

23. In no case shall the Divisional Forest Officer return the case for revision to the Range Forest Officer who submitted it.

24. If in the opinion of the Divisional Forest Officer the case is too serious to be written off, or that for any other reason a second enquiry is absolutely necessary, he should, if possible, proceed personally to make it, or, if this is impossible should depute an Extra Assistant or a subordinate (who is not junior to the Range Forest Officer submitting the case) to make a second enquiry. The procedure in the second enquiry should be exactly the same as for the original enquiry—in fact the enquiring officer should proceed exactly as if he had just received a First Report of the offence.

VI. Final Report.

25. When the whole case is returned to him with orders by the Divisional Forest Officer (rule 21) the Range Forest Officer shall note the order on the First Report (rule 18) and send the Enquiry Report to the Round Guard for carrying out the orders. On receiving it back from the Round Guard he shall note the final disposal on the First Report (rule 18) and send the whole case to the Divisional Forest Officer with his "Final Report" in the form provided.

26. When a case is prosecuted before a Magistrate, the papers in the case may be kept by the Court, but in every case the actual Enquiry Report should be retained by the Range Forest Officer and attached to his Final Report together with the judgment certificate.

27. On receipt of the Final Report the Divisional Forest Officer shall complete his register and file the papers.

VII. General.

28. From the date of the First Report it will be the duty of the Range Forest Officer (and still more of the Divisional Forest Officer) to watch the progress of the enquiry. Should there be delay in the receipt of the Enquiry Report, he should find out the reason; but any reference to this end must be kept entirely distinct from the case, delay in any stage of the proceedings should be punished departmentally by

excluding the subordinate responsible from a share in the reward, and also, if necessary, by direct fine.

29. When the Range Forest Officer delays the papers in order to make a further enquiry the Divisional Forest Officer should note especially whether such further enquiry was really necessary. If it was, the Round Guard should be punished, if it was not, the Range Forest Officer should be so. Should a Round Guard constantly send in incomplete enquiries, he should be reduced and warned, and if this has no effect, should be dismissed.

30. It will be noted that this procedure refers exclusively to offences under the Indian Forest Act. It is on no account to be applied to offences under the Indian Penal Code, or any other Act. Any such case which may arise shall immediately on discovery be referred to the Police for enquiry and disposal by the Range Forest Officer, to whom all such cases shall be reported by forest guards. When action is taken under this rule by the Range Forest Officer, he shall immediately report in full detail to the Divisional Forest Officer. (Government Resolution No. 3750, dated 4th June 1902, as amended by Government Resolution No. 2639, dated 20th March 1914.)

Procedure
regarding
forest
offences
in Sind

193. 1. In Sind, forest offences generally consist of —

- (a) trivial offences, such as damage to trees, thefts of timber for private use or of forest produce which the residents of villages on the outskirts of forests wish to appropriate to their own use;
- (b) thefts of timber on a large scale, generally instigated by traders or wealthy persons,
- (c) breaches of the rules regulating free grazing and illicit grazing.

2. Most of the offences detected by Forest Guards having a range of from 1 to 5 square miles to look after are of a trivial character, and the offenders are not too ignorant to know that they are committing an offence.

3. Should, therefore, a Forest Guard under section 63 of the Forest Act seize a man in the act of committing an offence which, if it falls under 1 (a), should be dealt with under section 67 of the Forest Act by the officer empowered to act under that section on an enquiry held in the manner hereinafter laid down, the following procedure should be observed.—

- (a) A person caught in the act of committing an offence should be taken by the Forest Guard to the

Wadero, Headman, Nekmard or Mukhi of the nearest village and in his presence accused of the offence charged. Should the offender confess, his confession should be taken down in writing in the presence of two respectable witnesses and signed by the Wadero, Headman, Nekmard or Mukhi. The offender should then be released and his confession with a report on the offence should be forwarded by the Forest Guard to the Divisional Forest Officer and the Range Forest Officer. The latter, when he next visits the forests, should send for the offender and assemble a Panchayat, consisting of not less than 3 members who should be men of some standing and influence in the community, and in the presence of this assembly ask the offender if he adheres to his original confession. Should the offender adhere to his confession, the Panchayat should be asked to certify to his having done so. A statement describing the damage done should then be drawn up by the Range Forest Officer and each member of the Panchayat should be asked to sign it. It should be submitted to the Divisional Forest Officer who will fix the amount of the compensation to be accepted from the offender (which should not exceed Rs 50 in any case) and authorise the Range Forest Officer to accept it.

(b) In the event of the offender offering to pay the compensation fixed by the Divisional Forest Officer, the money should be paid to the Range Forest Officer and credited in his account. If he refuses to pay the compensation fixed the proceedings should be returned by the Range Forest Officer to the Divisional Forest Officer, who should make such enquiry into the matter as he considers necessary and, should he consider the case of sufficient importance, may order the offender to be prosecuted before a Magistrate.

(c) In every case in which property not being the property of Government is seized in connection with a forest offence, the Forest Guard shall mark it and report the seizure to the Magistrate having jurisdiction to try the offence.

4. Divisional Forest Officers will, however, recollect that it is the desire of Government that trespassers should not be prosecuted for purely trivial offences, such as cutting thorns for a hedge. Unless, therefore, young trees have been lopped or old trees seriously damaged, the Divisional Forest

Officer should order a nominal fine or discharge the offender without punishment.

5 Cases of suspected offences, i.e., where the person charged denies his guilt, should, if necessary, be referred to a Criminal Court, information being laid by a Forest Officer.

6 Offences falling under 1(b) should always be referred to a Criminal Court for trial.

7. As regards breaches of the rules laid down respecting grazing, 1(c), the following procedure should be followed —

All cattle found grazing without passes having been taken out for them, all cattle found grazing in closed blocks or places where grazing is forbidden, all cattle found grazing between half an hour after sunset and half an hour before sunrise may be impounded. They may, however, and should as far as possible, be saved from being impounded by the payment of full fees as a fine, and where a pass has not been taken out the taking out of a pass in addition. If they are thus saved, the fact of full fees having been paid as a penalty and the amount so paid shall be noted on the pass issued.

8. Divisional Forest Officers should forward to the Collector and Magistrate of the District the records of any enquiry held under these orders which the Collector and Magistrate of the District may require for examination.

9. It will be the duty of the Deputy Conservator of Forests on his tour to ascertain how these orders have been carried out, and the District, Sub-Divisional and Taluka Magistrates should also on their tours make personal enquiry into some of the cases that have been reported in order to see that the proceedings have been regular. (Commissioner in Sind's No. 3446, dated 15th November 1901, as modified by the orders in Government Resolutions No. 2639, dated 20th March 1914, and No 7082, dated 30th June 1915)

Recovery
of and
receipts
for com-
pensation
ordered
under
section 67

194. Compensation should be paid in the presence of the Patel of the village concerned, if possible, and one consolidated receipt should be made out showing on the front the lump sum recovered and on the back the details thereof, i.e., the sum recovered from each offender and the offenders' names. (Government Order No. 3222, dated the 23rd March 1916.)

PLEADERS.

195. For the conduct of cases in Court the services of the Public Prosecutor should be availed of whenever necessary; where the services of the Public Prosecutor are not available and the case is of sufficient importance, the Conservator or the Divisional Forest Officer should take action under No 28-A (reproduced below) of the Rules for the Conduct of Legal Affairs of Government. (Government Resolution No 2181, dated 29th February 1912.)

"28-A. Provided, however, that in the matter of forest cases the Conservator of Forests, or if the authority has been delegated to the Divisional Forest Officer, the Divisional Forest Officer, may sanction the employment of a special counsel to conduct a prosecution on behalf of Government, subject to the following conditions, namely—

(1) The services of the Public Prosecutor are not available, and

(2) The charge incurred by such employment does not exceed Rs 250 when the engagement is sanctioned by a Conservator of Forests and Rs. 100 when the engagement is sanctioned by a Divisional Forest Officer.

The Conservator of Forests or the Divisional Forest Officer concerned shall subsequently inform the Remembrancer of Legal Affairs of the appointment so made the communication by the Divisional Forest Officer being sent through the Conservator."

NOTE.—For powers of officers to sanction expenditure on pleaders' fees see article 97 of Vol. I of this Manual

REWARDS.

196. In cases compounded under section 67 of the Indian Forest Act, rewards may be granted in accordance with the following rule:—

Rewards to persons contributing to the detection of a case may be given up to a maximum in each case of Rs. 10 and within the limit of the sum realized by the Divisional Forest Officer, and above Rs. 10 and within the limit of the sum realized, by the Conservator. (Government Resolution No. 8568, dated 16th December 1887)

197. The remarks in Government Resolution No 7907, dated 6th October 1892 (*vide* article 188 above), purported to draw attention to the apparent illegality of what was supposed to be the practice of the Department, *viz.*, to apply provision.

sums realized as compensation for damages, as distinguished from fines, directly to the payment of rewards. They were not intended to be read as withdrawing from Forest Officers the power of granting rewards out of funds provided for the purpose (Government Resolution No 3920, dated 30th May 1893)

Rewards
could
be given
with
discretion.

198. Care should however be taken that rewards are given with discretion in cases dealt with under section 67, as in other instances. It should also be borne in mind that whilst on the one hand if a subordinate has no prospect of an occasional reward for diligent and intelligent discharge of his duty he has no inducement to report cases in which the offenders are ready to give him a pecuniary inducement to hush up their misconduct, on the other hand too liberal and indiscriminate a grant of rewards may tend to encourage petty tyranny and vexatious prosecution, if not fabrication of *trifling charges* (Government Resolution No 4516, dated 15th June 1895)

NOTE.—For rewards out of fines and confiscations and in cases resulting in imprisonment see articles 210 and 211

CHAPTER XXIV.

SECTION 69—CATTLE TRESPASS

Discretion
to be
exercised
when
impound-
ing cattle

199. Some degree of tact and discretion must be displayed by the Forest Officers in cases where cattle are found straying or grazing in the closed reserves. In the case of first offence it will ordinarily suffice to turn the cattle out and warn the owners. In the case of second offence, impounding the animals would be justifiable, and would probably be the only way of convincing their owners that the conservation of the forest was intended to be real. (Government Resolution No 2437, dated 21st March 1885)

NOTE.—For precautions to be taken against cattle trespass read article 401, Part V

Procedure
to be
followed in
impound-
ing cattle.

200. Government do not desire to prevent Forest Officers from impounding animals which are deliberately driven into reserved forests or are allowed through wilful negligence on the part of their owners to stray into such forests, but full consideration should be given to the fact that, while the forests are not closed by fences, it is very difficult to hinder cattle from occasionally entering them, and it is not in the interest of the Forest Department to irritate the people by impounding their cattle for light reasons. If the subordinate officers adhere strictly to the following practice described by the Conservator of Forests, Northern Circle, there will be no cause for complaint.—

"Cattle which are not properly cared for by their owners, and are not fed by them, but are allowed to pick up a subsistence by pillaging food wherever they can, richly deserve to be impounded when they come into a plantation or into an improving forest. Cattle deliberately driven into property not their own, or into property known to be 'closed' by lawless Dhangars and other owners of cattle, likewise deserve to be taken to the pound. Cattle which are habitually kept under control, but through accident have strayed or for the presence of which inside a closed forest there may be a reasonable excuse, are not as a rule impounded but the owners are warned to be more careful of them in future." (Government Resolution No. 5763, dated 17th July 1885)

NOTE—Read article 120

201. The following procedure was sanctioned by Government in limited areas in the Central Circle and has since been generally extended to the Presidency Proper:—Instead of impounding cattle grazing without fees, the trespassing cattle are to be taken into the village to the village officers for the latter to levy the grazing fee from their owners. The above procedure applies to cattle which are the property of villagers and not professional graziers and which are found grazing without passes in pasture or open portion of Forest proper. (Government Resolution No. 2555, dated 12th April 1899.)

NOTE—For orders regarding raising or lowering of grazing fees in connection with cattle trespass see articles 114 and 123, paragraphs 4 and 10

202. The attention of the officers of the Revenue, Police and Forest Departments is drawn to the remarks in Government Resolution No. 7232, dated 12th September 1892, regarding the treatment of cases of cattle trespass on forest lands and the necessity is impressed on the Commissioners, Collectors and District Magistrates for the exercise of close and constant supervision over the proceedings of all officers subject to their authority in that and the other matters dealt with in this Resolution. (Government Resolution No. 7907, dated 6th October 1892.)

NOTE—The Government Resolution No. 7232 mentioned above deals with the exceptional severity of the Forest Officers, especially of the Deccan, in regard to cattle trespass cases and gives orders to the effect that cattle trespassing in forests, unless under aggravating circumstances, should be treated with consideration and leniency, and that cattle owners should in no case be unnecessarily punished or harassed.

For the other matters dealt with in Resolution No 7907
see article 188.

SECTION 70--POUND FEES

Pound
fee, to be
enhanced
for persis-
tent
trespass

203 In case of persistent trespass in specially closed areas the fees for cattle impounded in those areas should be enhanced till they act as an effective check (Government Resolution No 9360, dated 15th October 1910.)

Enhanced
rates of
pound
fees for
various
districts

204. Under section 70 of the Indian Forest Act, the fines shown in column 9 of the following statement are ordered to be levied, in lieu of the fines fixed by section 12 of the Cattle Trespass Act, 1871, in respect of animals trespassing in the forests shown in columns 3 to 8 and impounded under section 69 of the Forest Act

CATTLE TRESPASS.

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1	2	3	4	5	6	7	8	9
Serial No	Government Notification	District	Forest.	Taluka, Petha or Range.	Village	Survey No.	Area.	Inc.
1	4764	Ahmednagar.	Reserved forest	Nagar taluka.	Kapurwadi Deogaon Ratadgaon Shendi Imampur Gunjala Manjar Sum Gospuri Chikhondi Naraindohi		A. G.	Rs a. p.
	23th June 1895.							For each buffalo. 1 0 0 For each horse, mare, gelding, pony, colt, filly, bull, bullock, cow, or heifer. 0 8 0 For each calf, ass, pig, ram, ewe, sheep, lamb goat or kid 0 4 0
2	2947	Do.	Reserved forests of the district.					For each goat or kid 0 4 0
3	7601	Bijapur	Reserved forest	Badami taluka.				For each goat 0 4 0 For each sheep. 0 2 0
	27th July 1908.			Bagalkot taluka. Hungund taluka.				

1	2	3	4	5	6	7	8	9
Serial No.	Government Notification	District	Forest	Taluka, Peth or Range	Village	Survey No.	Area.	Enc.
7	7601 27th July 1908	Bijapur		Muddebihal taluka (village shown in column 6 only) Bagdevadi taluka (village shown in column 6 only)	Tangadi Kolhar Balota Muttalim Setnath Chimalgi Isnal Devapur Nidundi Arakim Marraoti Almatti		Ac	Rs 2 p
				Bijapur taluka (village shown in column 6 only).	Mandapur Kakhandla			For each goat 0 1 0 For each sheep 0 2 0

4	1773	Nasik.	Reserved forest of the district.			For each goat or kid .. 0 1 0
5	5th March 1897. 6006	Poona	Reserved forest.	Haveli taluka Surur taluka Bhimthadi taluka Indapur talu- kn.		For each goat or kid . 0 1 0
6	3558 11th May 1895	Do	Closed por- tions of the reserved forest kurans named in column 6.	Haveli taluka Kothund Pishan Bawdhan Warije Dhayan Pethyache Kuran (Bhamburda) Dharjai Jamboli Kopre Agambe Sangrum Bhavananicha Dara Katraj Kasara Aeri Gogalnadi Parvati, 2 Nos Khadakvasa (large and small)		Same as for scri- al No 1.

1	2	3	4	5	6	7	8	9
Serial No	Government Notification	District	Forest	Taluka, Petha or Range.	Village	Survey No	Area.	Fines
6 (contd.)	3538 11th May 1905	Pooné			Manjri Budruk Kalyan Sonapur Nandolhi Dhanori Bhukum Marunji Undri Pisoli Wanowri, Nos 19 and 19. Hadapsar, No 98 Mahamadwadi, No 15 Kondhwe Khurd, No 34		A g	Re a p
				Mulshi Petha Khed taluka	Darwahi Ghotawde Warale Wasuli			Same as for serial No 1

Chakan, thumbi Parhatti	Jad., and
Ambethan Chimbi Kelgaon Cha,	
Navlakhi Umbre Ambi Akurdi Wadgaon Indori Nauvli Pachane Pasurne Talegaon	
Maal taluka	
Kikvi Jhongaoli Bhawre, No 2 Shivre Pokhar Kambro Chakra Purandhar, No. 7, in pieces	
Purandhar taluka	

1	2	3	4	5	6	7	8	9
Serial No	Government Notification	District	Forest	Taluka, Petha or Range	Village	Survey No	Area	Fines
7	2915	Poona	Reserved forest.	Haveli range	Dhamburdi	81 part 94, 95 96 and 97	298 15	Rs a p For each buffalo- 10 For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock cow, or heifer . 1 0
	Khadakwasle				91 part	50 0		
	Wadki				40 part	240 0		
	Lonikalbhor				281 and 282 parts	1,600 0		
	Alandi, Choraichi				240 part 241, 17	518 0		
	Pachgaon, Parwa ti				1	292 10		
	Kalamh Khedgaon Vargaon Swtakrar Handalwadi Kedgaon Gar				184, 185 and 186 1 and 2 (109, 113) parts, 251 96, 97, 105 to 115	331 30 390 36 130 30 315 28		
	Naval range	Talegaon Dabhade Vadgaon	664 122	202 14 94 36				

CATTLE TRESPASS.

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Indapur range	Loni Palasdeo Kalas	136 to 139 244, 247 to 271 292, 298, 321 to 327, 329, 330 332, 333, 338 part to 343, 345 and 346 parts 231 to 283, 285, 286, 289 to 293 299 to 307, 309, 310, 312, 315 to 318 and 197 to 301	101 10 1,311 25 1,036 39 2,153 9 37 35 50 36 14 32 8 32 11 12 128 33 350 0 45 0 37 32 34 20 25 1 49 10 33 0 30 0 35 2 94 36 16 27 27 4	For each calf, ass, pig, ram, ewe, sheep, lamb, goat, or kid . 0 8 0
Bhimthadi range	Supe	35	37 35	
		36	50 36	
Harvel range	Manyra	878 (part)	14 32	
		879 (part)	8 32	
Dhond range	Malthan	880 (part)	11 12	
		884 (part)	128 33	
		150 (part)	350 0	
		30	45 0	
		32	37 32	
		34	34 20	
		35	25 1	
		36	49 10	
		37	33 0	
		38	30 0	
		46	35 2	
		47	94 36	
		50	16 27	
		62	27 4	
	Wadlaja			

1	2	3	4	5	6	7	8	9
Serial No	Government Notification	District	Forest	Taluka, Petha or Range	Village	Survey No	Area	Fines
					Wathujra continued		A g	R a p
						61	21 38	For each Luffa-
						60	10 37	10 each horn,
						57	17 38	mare, gelding,
						15	15 0	pony, colt, fill,
						58	20 0	mule, bull,
						39	20 18	Lullock, cow,
						11	20 28	or keifer
						13	29 33	For each calf,
						12	10 29	ass, pig, ram,
						11	26 25	ewe, sheep,
						10	30 3	lamb, goat or
						37	24 13	kid
						14	12 0	
						39	21 0	
	1863	Poon	Reserved forest	Sirur range	Annapur	593 to 597	14 28	
	13th June 1903			Ambeas range	Naredi	51 and 52	200 15	
				Bhimthadi range	Supre	485	21 20	
				Purandhar range	Jeyuri	192 to 195 & 207	213 1	Same as for serial No 7

[illegible]

1	2	3	4	5	6	7	8	9
Serial No.	Government Notification	District	Forest.	Taluka, Petha or Range	Village	Survey No	Area.	Fine.
10	1298 1st May 1895 3167	Satara	Reserved forest	of the district			1 g	Rs a p For each goat or kid . 0 1 0
11	26th August 1898 and 111 16th January 1905	Do	Reserved forest		Malable-hwar			For each buffalo 1 0 0 For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow, heifer or goat . 0 8 0 For each calf, or yearling . 0 1 0 For each ram, ewe, sheep, or lamb . 0 2 0 Same as for serial No 11.
12	920 11th February 1909 7002	Do	Reserved forest	Kardalaka Taluk				
13	27th July 1908	Surat	Reserved forest		Wareth Ankhitra		100-10 100-1	} Same as for serial No 7.

14	9365	Surat	Reserved forest	Pawran Tighra Mordevi Parnora Chinchnada Divet	86 23 113 32 243 26 281 3 62 39 24 1	Same as for serial No. 7
15		Thana	Reserved forest for any portion of a protected forest law-fully closed to grazing			Same as for serial No. 1.
16		Kolaba	Do			Do.
17		Dharwar	Do			Same as for serial No. 3.
18		Belgaum	Reserved forest or any portion of a protected forest law-fully closed to grazing in the Go- kak taluka			For each goat, sheep or kid .. 0 2 0
		28th Sep- tember 1909				
		1891				
		18th July 1891				
		5556				
		8th June 1909				
		1731				
		24th Feb- ruary 1910				
		8185				
		10th Sep- tember 1910				

1	2	3	4	5	6	7	8	9
Serial No	Government Notification	District	Verat.	Taluka, Petha or Range	Village	Survey No	Area	Fines.
19	7717 10th July 1915	Hydrabad	Reserved forests shown in column 6	Hala range	Nurkethi Nurulabad			
		Nawabshah	Do	Sakrind "	Nawab Lakhat Mari Pao			
				Kandharo range.	Bhour			
20	10611 10th October 1915	Sukkur	Do	Gardu-Yaun range	Wadeji			
				Murpur "	Rash Murpur			
21	10th October 1915	Do	Do	Sauhuja "	Koti, Shahu Shapur			
				Rohn "	Rohn W C I " W C T			
					Dubar Kutta			

For each semi-wild animal (Gormal) of the following lands —
 Buffalo or camel 2 0 0
 Bull, bullock or cow 1 0 0
 Calf . 0 8 0

CATTLE TRESPASS.

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[illegible]

1	2	3	4	5	6	7	8	9
Serial No	Government Notification	District	Forest	Taluka, Petha or Range	Village	Survey No	Area.	Fines.
							A	Rs. a, p.
19	7743 19th July 1915	Hyderabad	Reserved forests shown in column 6	Hala range	Nurkeli Nurjabad			
		Nawabshah	Do	Saktand "	Narsi Lakhat Mari Pori Bhour			
20	10611 3th October 1915	Sukkur	Do	Kanjharo range, Garhi-Yasin range	Madeji			
21	10th October 1915	Do	Do	Murpur "	Raoti Murpur Kei Shahu Shahpur Rohri W C I " W. C IV Dubar Katto			

For each semi-wild animal (Gaural) of the following kinds —
 Buffalo or camel . 2 0 0
 Bull, bullock or cow . 1 0 0
 Calf . 0 8 0

CATTLE TRESPASS.

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[illegible]

CHAPTER XXV—OF FOREST OFFICERS.

SECTION 71—POWERS.

Power of certain forest officers to administer oaths. 205. Forest officers, who are vested with powers provided in section 71 (*d*) of the Indian Forest Act (see article 85), have authority, under section 4 of the Indian Oaths Act, No X of 1873, to administer oaths. (Government Resolutions Nos 5990, dated 8th November 1879, and 6971, dated 28th August 1885.)

Power of forest officers to administer oaths is limited to forest offence cases. 206. Under section 4 of the Oaths Act, No X of 1873, a person, who has by law authority to receive evidence, may administer an oath or affirmation in the discharge of the duties or in exercise of the powers imposed or conferred on him by law. A forest officer has no power to take evidence in a case of embezzlement and is not therefore authorized to administer an oath in such a case. (Government Resolution No 7503, dated 26th October 1882.)

Form to be used in summoning witnesses. 207. (i) The form of summons for witnesses and for the production of documents given at No 126 of the 4th Schedule of the Civil Procedure Code (now No 13 of Appendix B of the First Schedule of the Civil Procedure Code of 1908) may be used *mutatis mutandis*, the necessary corrections in the printed form being made by hand.

Form of search warrant. (ii) The form of search warrant used by Magistrates may be used, a few corrections that can easily be made by hand being all that is required.

Form for taking deposition of witnesses. (iii) Printed forms for deposition of witnesses as used by Magistrates can be used by Divisional Forest Officers, if necessary.

(Government Resolution No. 5990, dated 8th November 1879.)

CHAPTER XXVI—SUBSIDIARY RULES.

SECTION 75 (*a*)—POWERS AND DUTIES OF FOREST OFFICERS.

Rules prescribing the powers and duties of Forest Officers. 208. Government Notification No. 7107, dated 6th September 1892, as amended subsequently.—In exercise of the power conferred by section 75 (*a*) of the Indian Forest Act, VII of 1878, and of other powers enabling him in this behalf, the Governor in Council is pleased to make the following rules, in supersession of all previous rules on the same

subjects, for prescribing and limiting the powers and duties of Forest Officers under the said Act :—

1. Forest administration, as a branch of land-revenue administration, is under the chief controlling authority which, by section 4 of the Bombay Land Revenue Code, 1879, is vested in the Commissioner, subject to the Governor in Council. All Forest Officers, as well as Revenue Officers, who are concerned in the management of forests, are therefore subject in all matters relating to forest administration to the Commissioner.

2. The Collector of each district, in subordination to the Commissioner and subject to the orders of Government, is responsible for the due management of the forests therein ; and for this purpose all Forest Officers within the district shall be subject to the orders of the Collector, Divisional Forest Officers will be Assistants to the Collector for forest purposes.

All Divisional Forest Officers and their subordinates shall in all but purely technical matters be subordinate to the Collector of the district in which they are serving.

3. The duties and powers of Assistant and Deputy Collectors in charge of talukas in respect of forest matters shall be regulated by the same provisions which are laid down in section 10 of the Bombay Land Revenue Code 1879, in respect of revenue administration generally.

4. Subject to the other provisions of these rules, each Conservator of Forests in his own circle or Deputy Conservator in independent charge of a circle is invested with the direction of all professional operations of technical forestry.

5. Except in so far as is otherwise directed in rules or orders of Government the departmental control of all Forest Officers in a circle vests in the Conservator of Forests of that circle, or in that of the Deputy Conservator in independent charge of a circle.

6. Divisional Forest Officers shall, in the posting and distribution of the subordinate forest establishment, comply with any orders they may receive from the Collector.

7. No appointments to offices higher than that of round guard shall be made by the Conservator or other Forest Officer without consulting and obtaining the consent thereto of the Collector of the District.

8. In all matters relating to local supply including that of grass and grazing or the rights and privileges of the people

in or in respect of forests orders shall be issued by the Collector alone and not by any Forest Officer, and such orders shall be communicated to those concerned through the ordinary revenue channels

This rule applies also to pastures and fodder reserves the management and control of which is vested exclusively in the Collector, subject to the orders of the Commissioner and of Government, and with respect to which the Conservator of Forests is to act in the capacity of consultative officer only, advising and giving his opinion on all questions of a professional or technical character referred to him by any of the said authorities

9 No forest compartment shall be closed, whether for planting or reboisement or for punitive purposes, except under the order or with the approval of the Collector.

This rule does not apply to the closure of compartments which have been recently felled in strict accordance with a duly sanctioned working plan

10 Subject to any instructions which may be given by the Commissioner, orders issued by a Conservator to any Divisional Forest Officer and correspondence between the Conservator and any such officer shall be forwarded through the Collector, who will record such remarks thereon or, in matters other than such as are described in rule 4, give such directions with regard thereto as he thinks fit

In the event of a difference of opinion between a Collector and the Conservator of Forests, either officer may refer the matter to the Commissioner, who will either dispose of the reference himself, or if he thinks it necessary, obtain the orders of Government

11 In matters relating to departmental finance or to appointment, transfer, or leave of establishment in which the orders of Government are required, a Conservator may report to Government direct.

12 Every Divisional Forest Officer shall prepare and submit, before the end of June or middle of July in each year, the provisional plan of operations, which he proposes to carry out in the ensuing year in the area under his official charge, to the Collector of the District

13. The Collector shall—

(a) consider all plans submitted to him under the last preceding rule, with special reference to any pro-

posed closure of forest areas against grazing or other privileges, and shall see that due provision is made for local wants, and

(b) if he considers any such plans open to objection in such connection, shall return the same with any comments, and for compliance with any directions he may make, to the officer by whom they may have been submitted.

14. The Collector shall forward to the Conservator of the Circle such plans as meet with his approval.

15. Before the commencement of each season information as to the principal operations to be carried out in each district shall be communicated to the Collector thereof.

16. It shall be the duty of the local Forest Officers to inform the Collector as to the places where any cutting is to be made, or special protection is needed, so that the Collector may make known, through his Assistants and other subordinates, to the local public the places —

(a) where supplies of wood, grass or fuel, etc., may be obtained, and

(b) where the grazing of cattle is prohibited or allowed.

17. It shall be the duty of all Revenue Officers to give every possible assistance to the Divisional Forest Officers by giving information of all cases of forest fires or of offences committed in forests, and of any neglect of duty by forest subordinates which may come to their notice, and to impress on their subordinates a sense of their obligation to protect the Government forests against theft or injury.

18. It shall be the duty of the Collector and his Assistants from time to time to inspect the offices and accounts of all Rangers within their charge, taking care that Range officers are not withdrawn from important outdoor duties to attend inspections.

19. Letters from a Divisional Forest Officer to a Mámletdár should ordinarily be sent through the Assistant Collector in charge

20. Orders by Forest Officers to village officers shall ordinarily be sent through the Mámletdár to whom the village officers are subordinate, but may, if urgent, be sent direct, provided that in every such case copies of the orders shall at the same time be sent to the Assistant Collector in charge and to such Mámletdár as aforesaid.

21 Compartments of a forest block shall be felled in regular rotation as they fall due.

22 (1) If it becomes necessary to delay the felling of a compartment beyond the time at which such felling would according to regular rotation be due, the Collector of the District shall in consultation with the Conservator of the Circle and subject to the sanction of the Commissioner of the Division make arrangements for meeting the requirements of the villagers in the locality

(2) For such purpose the villagers may, if necessary, and if no other arrangement is practicable, be permitted to enter the compartment the felling whereof has been so delayed and lop for themselves the material to which, but for such delay, they would have been entitled

23 When a Mahalkari or Chief Constable or any Revenue or Police Officer of higher rank camps in the limits of a forest village, or "in the limits of a forest beat or round" the Forest Guard shall report himself to such officer and bring his diary with him for inspection.

A Forest Guard need not report himself more than once to the same officer in one season but should present himself on other occasions if sent for

24 The officer to whom report is made should, time permitting, inspect the Forest Guard's diary, and put such questions to him as may seem expedient with a view to ascertaining whether he is attentive to his duties. The village officers should also be questioned on the point

A Revenue or Police Officer examining a Forest Guard's diary shall write the word 'seen' below the last entry attaching his signature and the date of inspection

25 Time and opportunity permitting, the officers named should visit any forest block, plantation or special work in charge of the Forest Guard, who should, if possible, attend such officer on his visit

26 No Revenue or Police Officer shall call a Forest Guard off his beat, nor shall a Forest Guard leave his beat in order to report himself to such officer

27 Rules 24, 25 and 26 do not apply to Collectors or Commissioners, who will exercise their own discretion in the matters therein dealt with

28 Subject to the orders of Government—

(a) The Commissioner in Sind shall have the direction, regulation and general control of all matters other

than financial connected with forest administration in that province,

(b) the Commissioners of the Northern, Central and Southern Divisions shall be responsible for the entire executive administration of forest affairs within their respective divisions, and shall for the purposes of such administration—

(a) issue orders and instructions to Collectors, Conservators, and Deputy Conservators in independent charge of circles,

(b) interpret the orders of Government whenever doubts may arise in applying such orders,

(c) settle all matters in which any difference of opinion arises between the Forest Department and any other department,

(d) promote generally the harmonious working of the Revenue and Forest Departments, and

(e) except in matters relating to departmental finance and to appointment, leave or transfer of establishment in which the orders of Government are required, receive, consider and with their own views in each case, when such reference is necessary, refer to Government all reports respecting forest matters submitted to them whether from the Revenue or from the Forest Department

209. The term "departmental finance" used in rules 11 and 28 includes only matters relating to forest accounts and purely account transactions. (Government Resolution No. 805, dated 28th January 1893.)

Meaning of the term "departmental finance".

SECTION 75 (b)—REWARDS.

210. Government Notification No. 5587, dated 18th October 1879, as subsequently amended—In exercise of the power conferred by section 75 of the Indian Forest Act, 1878, the Governor in Council is pleased to make the following subsidiary rules—

Rule regarding payment of reward out of fines and confiscations

1. One-half of the proceeds of fines and confiscations under the Act may be paid by way of reward to the officers and informers through whose instrumentality the conviction was obtained, or the property liable to confiscation was discovered: provided that the Magistrate who tries any case under the Act may, if he thinks fit, direct that a larger amount than one-half shall be so paid. When more persons

than one are entitled to the reward under this rule, the Conservator of Forests or any Deputy or Extra Deputy Conservator of Forests specially empowered by him in this behalf or, in the case of those reserved or protected forests in the Presidency proper lying within the territorial limits of his revenue jurisdiction which have been classed as pasture or fodder reserve and handed over to the Revenue Department for management, the Collector of the district shall determine the proportions in which it shall be divided amongst them.

NOTE—For rule 2 made under section 75 see article 219, and for orders regarding rewards—

(a) in cases compounded under section 47 see articles 188, 196 and 197;

(b) under the game rules see articles 126 and 127;

(c) for fire protection see articles 115 to 117

POWERS OF FOREST OFFICERS TO GRANT REWARDS IN CASES RESULTING IN IMPRISONMENT

211. The Conservator is authorized to grant rewards in forest cases, when the punishment consists of imprisonment only up to a limit of Rs 50 and when the imprisonment is coupled with fine and confiscation, rewards up to the same limits *plus* half the proceeds of fine and confiscation and to delegate this authority up to a limit of Rs 10 to any Deputy Conservator of 10 or more years' standing

To enable him to exercise due check over such proceedings, the Conservator may require the submission of a monthly statement showing the details of cases in which Deputy Conservators have exercised this power. (Government Resolutions Nos 5311 dated 28th May 1908 and 8793 dated 26th September 1913)

REWARDS CANNOT BE GRANTED FROM COMPENSATION FOR DAMAGE

212. The words "fines and confiscations" appearing in rule 1 of the rules under section 75 (see article 210) do not include compensation for damage done to forest property. (Government Resolution No. 3191, dated 15th May 1882)

NO REWARD CAN BE GIVEN OUT OF SALE PROCEEDS OF GOVERNMENT PROPERTY

213. In the case of a conviction under the Forest Act a reward can only be paid to officers and informers out of the proceeds of any forest produce legally confiscated; and in the case of such produce being the property of Government and, therefore, not liable to confiscation under section 51, the payment of a reward under section 75 (b) would be illegal (Tulaji C. R. 44 of 1892)

MAGISTRATE'S ORDER ONLY NECESSARY IF AMOUNT

214. The order of the trying Magistrate is not necessary under rule 1 of the rules under section 75 of the Forest Act, 1878, to enable a reward to be granted, it is only required to allow a reward in excess of one-half of the proceeds

of fines and confiscations in a case to be given. (Government of reward Resolution No. 3827, dated 12th June 1888.) exceeds one-half.

215. It was intended by rule 1 of the rules under The Con- section 75 of the Indian Forest Act, for the grant of rewards servator to the officers and informers through whose instrumentality and not the Magis conviction is obtained in forest cases that the action of the trate Magistracy should be confined to directing, when it is thought should distribute the re- fit, that a larger amount than one-half of the proceeds of ward fines and confiscations shall be paid as rewards, and that the distribution and apportionment of the rewards should be left to the Conservators of Forests. (Government Resolution No. 7717, dated 28th October 1893)

216. A Magistrate convicted three persons of theft Order of reward in case of conviction under the Indian Penal Code is illegal under section 379 of the Indian Penal Code, for having dishonestly and without permission cut off some rafters from the teak trees in their field knowing that the right over the trees was reserved by Government, and, in passing sentence, ordered that Rs 5, out of the fine which he inflicted, be paid to the complainant, a forest servant for detecting the offence *Held*, on reference, that as the conviction was for an offence under the Indian Penal Code and not under the Indian Forest Act, the order of reward was illegal. (Vithal Ramji C R, 48 of 1896.)

217. If an officer has been instrumental in obtaining a conviction or discovering property, he should not lose the reward because he is deserving of a penalty on some other ground. (Government Resolution No 3502, dated 10th May 1897.) An informer should not lose a reward he deserves on account of other faults Procedure to be followed to support expenditure on rewards to informers and officers

218. When only half the proceeds of fines and confiscations is payable, the voucher should be supported by a certificate from the Magistrate that the amount of fines has been credited to Government. When more than half the fines is awarded by the Magistrate the voucher should be accompanied, in addition, by a certificate from him in the following form —

“Certified that in the case of *Emperor vs.* the amount of Rs. , being in excess of half the proceeds of fines and confiscations, has been awarded as reward to informers

Magistrate.”

(Government Resolution No. 2617, dated 22nd April 1896, Judicial Department)

SECTION 75 (c)—TREES, THE PROPERTY OF GOVERNMENT BUT NOT GROWING IN RESERVED OR PROTECTED FORESTS.

A—RULE UNDER SECTION 75 REGARDING TREES IN OCCUPIED LAND

Rule under section 75 prohibiting cutting of reserved trees in occupied land

219. In exercise of the powers conferred by section 75 of the Forest Act, 1878, the Governor in Council is pleased to make the following subsidiary rule which shall be substituted for rule 2 made under that section and published at page 847 of the *Bombay Government Gazette* of 23rd October 1879, Part I —

* 2 No person shall cut, lop, or in any way injure, appropriate or remove any tree, or any loppings thereof, which is the property of Government grown or growing on lands belonging to or in the occupation of private persons or knowingly or wilfully permit or abet the cutting, lopping, injuring, appropriating or removing of the same by any other person, without having first obtained the permission of the Collector, or, in the case of teak, blackwood or sandalwood trees, of the Conservator of Forests (Government Notification No. 243, dated 15th January 1883)

A conviction under the Forest Act for cutting trees from Government waste lands illegal.

220. A Magistrate convicted a person under rule 2 of the rules made under section 75 of the Indian Forest Act for cutting down a teak tree from a waste S No *Held* that as the tree cut down did not stand in a forest the prosecution and conviction under the Forest Act were illegal, the Act applying only to trees in forests (Kova Mavay. C. R. 49 of 1896)

NOTE—Under rule 2 framed under section 75 the unauthorized cutting of Government trees in occupied land is an offence in the same way as cutting of trees in forest is an offence under section 25 or 32, and is therefore punishable under section 70. The above ruling should therefore have read as follows —

"*Held* that as the tree cut down did not stand in a forest or on land belonging to or in the occupation of private person, the prosecution and conviction under the Forest Act were illegal, the Act applying only to trees in forest and to Government trees in occupied land." Government orders in connection with the above ruling are contained in the next article

Question under what provision of the law the offence of un-

221. The following memorandum from the Commissioner, Central Division, No R-726, dated 28th February 1903, was approved by Government and circulated for information —

* For rule 1 framed under section 75 see article 210

"2. The view adopted by the District Magistrate in appeal that the cutting of a reserved tree in occupied land is an offence under rule 2 made under section 75 (c) of the Forest Act, seems clearly correct. But neither the rule nor the section in question can be held to be applicable to Government waste lands. They refer in express terms to lands belonging to, or in occupation of, private persons; and they cannot be supposed to refer even by implication to unoccupied land because no law or rule having the force of law is necessary in respect of trees standing on such lands. The cutting or removal of such trees is a matter which can be dealt with under section 43 of the Land Revenue Code (*vide* article 222), under rule 111 (b) of the rules under the Code [this old rule 111 (b) pertained to penalties under section 215 of the Code], or under section 379 of the Indian Penal Code; and so far as the Commissioner remembers, the general practice in old days was to proceed under the Penal Code. The High Court ruling of 1896, so far as it sets aside the conviction under the Forest Act, of a person who had cut a reserved tree in Government waste land, can scarcely be called in question; and there seems no necessity for any amendment of section 75 (c), as proposed by the Conservator of Forests.

3. The effect of the High Court ruling seems to have been very much exaggerated. The essence of the Court's judgment appears to be contained in the words 'the District Magistrate is right,' the District Magistrate having pointed out that Rule 2 under section 75 of the Forest Act does not cover the case of teak growing in waste numbers. In proceeding to specify as a reason for the illegality of the prosecution and conviction for an offence under the Indian Forest Act, that 'the teak tree did not stand in a forest,' the Court seems to have curiously ignored the very rule to which the District Magistrate had referred it under which such action *might* be legal in connection with a tree not standing in a forest.

4. Personally the Commissioner would not, if a Magistrate, feel in any way debarred by this ruling from convicting under section 76 of the Forest Act, for any breach of the provisions of rule 2; and, so far as the present case has been reported, he thinks that there need have been no hesitation. If Government have this view, he would suggest its being made generally known, as there appears to be a good deal of misapprehension on the point. Otherwise, it seems desirable that an early opportunity should be taken of bringing the question again before the High Court and of having it properly argued." (Government Resolution No. 3394, dated 25th May 1903).

**B—PROVISIONS OF THE LAND REVENUE
CODE REGARDING TREES.**

Extracts from the Land Revenue Code regarding trees and forest rights.	<p>222. The following sections 40 to 44 of the Bombay Land Revenue Code, 1879, and rules 58 to 63 thereunder deal with the right of Government to trees and the reservation and disposal of them on land occupied or being given out for occupation —</p>
Concession of Government rights to trees in case of settlements completed before the passing of the Bombay Land Revenue Code	<p><i>Section 40</i>—In villages, or portions of villages, of which the original survey settlement has been completed before the passing of this Act, the right of Government to all trees in unalienated land, except trees reserved by Government, or by any survey officer, whether by express order made at or about the time of such settlement, or under any rule, or general order in force at the time of such settlement, or by notification made and published at or at any time after, such settlement shall be deemed to have been conceded to the occupant. But in the case of settlements completed before the passing of Bombay Act I of 1865, this provision shall not apply to teak, blackwood or sandalwood trees. The right of Government to such trees shall not be deemed to have been conceded, except by clear and express words to that effect.</p>
Ditto in case of settlements completed after the passing of that Act	<p>In the case of villages or portions of villages of which the original survey settlement shall be completed after the passing of this Act, the right of Government to all trees in unalienated land shall be deemed to be conceded to the occupant of such land except in so far as any such rights may be reserved by Government, or by any survey officer on behalf of Government, either expressly at or about the time of such settlement, or generally by notification made and published at any time previous to the completion of the survey settlement of the district in which such village or portion of a village is situate.</p>
Ditto in case of land taken up after completion of settlement.	<p>When permission to occupy land has been, or shall hereafter be granted after the completion of the survey settlement of the village or portion of a village in which such land is situate, the said permission shall be deemed to include the concession of the right of Government to all trees growing on that land which may not have been, or which shall not hereafter be expressly reserved at the time of granting such permission, or which may not have been reserved, under any of the foregoing provisions of this section, at or about the time of the original survey settlement of the said village or portion of a village.</p>

Section 41.—The right to all trees specially reserved under Government the provision of the last preceding section, and to all trees, brushwood, jungle or other natural product growing on land set apart for forest reserves under section 32 of Bombay Act I of 1865 or section 38 of this Act, and to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vests in Government; and such trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as Government may from time to time direct.

Section 42.—All roadside trees which have been planted and reared by, or under the orders of, or at the expense of Government, and all trees which have been planted and reared at the expense of Local Funds by the side of any road, which vests in Government, vest in Government. But in the event of such trees dying, or being blown down, or being cut down by order of the Collector, the timber shall become the property of the holder of the land in which they were growing; and the usufruct, including the loppings of such trees, shall also vest in the said holder, provided that the trees shall not be lopped except under the orders of the Collector.

Section 43.—Any person who shall unauthorizedly fell and appropriate any tree or any portion thereof or remove from his holding any other natural product whether of the like description or not which is the property of Government, shall be liable to Government for the value thereof, which shall be recoverable from him as an arrear of land revenue, in addition to any penalty to which he may be liable under the provisions of this Act for the occupation of the land or otherwise; and notwithstanding any criminal proceedings which may be instituted against him in respect of his said appropriation of Government property.

The decision of the Collector as to the value of any such tree, or portion thereof, or other natural product, shall be conclusive,

Section 44.—In villages or lands in which the rights of Government to the trees have been reserved under section 40 subject to certain privileges of the villagers or of certain classes or persons to cut firewood or timber for domestic or other purposes, and in lands which have been set apart under section 38 for forest reserves subject to such privileges, and in all other cases in which such privileges exist in respect of any alienated land, the exercise of the said privileges shall be

regulated by rules to be from time to time, either generally or in any particular instance, prescribed by the Collector or by such other officer as Government may direct. In any case of dispute as to the mode or time of exercising any such privileges the decision of the Collector or of such other officer shall be conclusive.

General
reserva-
tions

Rule 58—The extent to which the right of Government to trees is generally conceded to occupants under the third paragraph of section 40 shall be specified in the notification issued under rule* 17. The said general concession will ordinarily extend to all trees except the following:—

(a) all roadside trees planted by or under the orders of Government,

(b) teak, blackwood and sandalwood,

(c) trees, the produce of which has hitherto been disposed of by Government;

Provided that whenever any land is disposed of after the first introduction of a settlement of land revenue, such trees shall also be disposed of under section 62,

(d) any trees specially reserved in the terms of the grant of the land.

Special
reserva-
tions

Rule 59.—Trees in groves, trees round temples or places of encampment declared to be such by the Collector, and trees other than teak, blackwood or sandalwood, which for any reason are of special value or utility, shall be specially reserved at the settlement and entries to that effect made in the settlement records.

Disposal
of trees
on occu-
pied lands

Rule 60.—(1) Subject to the provisions of rule 63 the disposal of trees on land occupied or being given out for occupation shall be regulated by the following sub-rules:—

(2) Of the trees to which the rights of Government are reserved, such numbers or kinds as Government may from time to time direct will be at the disposal of the Forest Department. Lists shall be kept of all occupied numbers, over the trees in which the Forest Department has any control or lien, the clearing of these numbers by the Forest Department shall be arranged in concert with the Collector, and every number when cleared shall be recorded as exempt from all interference in the future on the part of the Forest Department. In districts, where there is no forest officer, these functions will be discharged by the Collector alone.

* Rule 17 relates to notification of survey settlement.

(3) All other reserved trees shall be in charge of the Collector, who may dispose of the same or of their produce as he may deem fit, subject to the general rules for the disposal of Government property.

(4) In talukas in which the demarcation of forests has been completed, when any unoccupied land containing jungle or valuable trees which have not been included in any forest reserve is granted to any person for cultivation the Collector may offer the trees, or such of the trees as he may see fit, to the occupant. If such person agrees to purchase the same, the value shall be recovered from him by the Collector and credited as land revenue. If the occupant refuses to buy under this sub-rule or sub-rule (3), then the Forest Department should clear the land of trees.

(5) In talukas in which the demarcation of forest reserves has not been completed, the Collector may, if he thinks fit, consult the Conservator of Forests before any land containing jungle or valuable trees is granted; and if any such land is granted to any person the provisions of sub-rule (4) shall apply; in no case shall land be granted which is likely to be required for forests.

(6) In Sind the clearance of reserved trees under sub-rule (1), and of trees not accepted by the new occupant under sub-rule (4) shall be effected by the Collector.

Rule 61.—Whenever the right to unreserved trees in any land is at the disposal of Government simultaneously with such land, all such trees shall invariably be disposed of to the same person who acquires the holding and not to any other person.

Unreserved trees in a holding to be disposed of to the occupant and none else.

Rule 62.—When the right of Government to the trees in a holding has been once disposed of to the occupant, or when all the reserved trees have been once cut and removed either—

Right to after-growth.

(a) at the grant of the land, or

(b) after such grant, or

(c) in Sind, at any time before such grant, or

(d) elsewhere than in Sind, within five years before such grant

Government will have no further claim to trees which may afterwards grow in the holding, or which may spring up from the old roots or stumps, so long as the land continues in occupation.

Exception
of reserved
trees in
varias
and beta
lands in
certain
districts
from rules
60 62

Rule 63—(1) Nothing in rules 60 to 62 inclusive shall be deemed to apply to varkas lands in the districts of Thana, Kolaba and Ratnagiri, and beta lands in the district of Kanara, or to any land in the Dindori Taluka or the Peth Taluka of the Nasik District or to any land on the banks of streams and nalas in the Godhra Taluka of the Panch Mahals District, or to any river-side jambul trees growing in occupied lands on the banks of the rivers Mula, Pravara, Mhais and Mhalungi in the Pinner, Rahuri, Sangamner and Akola Talukas of the Ahmednagar District, or (pending the completion of the acquisition of all occupied lands within the sanctioned demarcation limits of the forests in the Ilaveli, Purandhar and Junnai Talukas and the Ambegaon Petha of Poona District) to any teak trees in such unalienated land

(2) In the said lands the trees on which the rights of Government are reserved shall be available for cuttings to be made from time to time by or under the orders of the Forest Department, in consultation with the Collector

(3) The sale of any such tree or of the timber thereof will confer no right to the after-growth from the root or stump of the tree so cut. The reservation of the rights of Government over the trees will extend to all such after-growth also.

C.—GOVERNMENT ORDERS REGARDING TREES IN OCCUPIED AND WASTE NUMBERS

Govern-
ment
Resolu-
tions re-
garding
special
cases of
rights to
trees,
Inamdars'
forests,
and trees
in Govern-
ment com-
pounds
Rights to
trees on
Govern-
ment
waste
land

223. For Government Resolutions—

(1) discussing special cases of rights to trees in various districts and giving orders on the same, read Appendix II,

(2) regarding Inamdars' forests and trees in inam lands, read Articles 351 to 375 ;

(3) regarding trees in compounds of Government build-ings, read Article 523.

224. Whatever is affixed or planted in the soil becomes subject to the same rights of property as the soil itself. If a man plants a tree in Government land the tree becomes the property of Government and the planter has no right thereto or to the produce thereof. A claim to enjoy the produce cannot be maintained by custom. Prescription does not support the claim as it cannot run against the Crown. No

claim can be maintained unless there has been a special arrangement or agreement with Government or its officials that the claimant should take the produce. Enjoyment of the produce of trees on Government waste lands by custom or under a lax system of administration does not amount to recognition by Government of a right. The exception in favour of private rights in section 41 of the Land Revenue Code (see Article 222) extends to lands set apart for forest reserves under section 38 (of the Land Revenue Code). (Government Resolution No. 6550, dated 3rd November 1881)

225. If trees on the banks of rivers and nalas grow in land included in an occupied survey number, they belong to the occupant. If they grow in the dry beds of streams which are not included within the boundaries of such a number, they are to be treated as Government property unless and until the occupant can establish his claim to them.

Rights to trees on the banks of rivers and nalas

In cases where the boundaries of a field are not laid down on the banks of a stream, the area of the field as recorded in the survey registers should be taken as the guide in determining how far the right of the occupant extends. The occupant should be allowed the benefit of trees on the area recorded, all beyond it being held to be the property of Government, subject to the provisions of the Land Revenue Code regarding alluvion. (Government Resolution No. 619, dated 30th January 1882.)

226. (1) As the demarcation and settlement of forest is now well advanced it is expedient, as a general rule, that the sale of the reserved trees to the occupants should follow on the completion of the settlement. The mode of disposing of the trees which would be most profitable and favourable to Government would be to sell them by public auction, and even if an outsider bought a tree growing on another person's land, he would have to clear it away within a stated time, and the owner of the land would be the owner of the roots and stool from which poles would spring, or shoot. But as the desire of Government is to give the occupant the trees at a moderate upset price, the Forest Department should sell the trees at an all round price of Re. 1 per tree, which would be a very fair and by no means prohibitive price, considering that the trees would fetch very much more if sold by auction.

Disposal of trees in occupied numbers.

(2) Government trees in numbers which have been registered for future inclusion in forests should not be disposed of, and the Collector has full discretion not to grant the right of occupancy of numbers which contain valuable trees.

Trees in numbers registered for inclusion in forest

not to be
excepted
of
Sandal-
wood trees
which are
the
subject of
Bombay
Act I of
1865

(3) It should, however, be brought to the notice of the Forest Department that, in lands of which the Survey Settlement was completed after the 21st January 1865, the date on which Bombay Act I of 1865 became law, the right of Government to teak, blackwood and sandalwood trees must be held to have been conceded wherever joint Rule 10 was in force, unless it can be shown that such right was reserved by Government or by a Survey Officer—

(a) by express order made at or about the time of settlement

(b) under rule or general order in force at the time of the settlement,

(c) by notification made or published at, or any time after, such settlement.

If occupants in land settled before 1865 now claim concessions, these claims will have to be considered on their merits, and should be sent up to Government for decision.

Sandal-
wood trees
to be ex-
ploited
only when
mature.

(4) Every effort should be made to dispose of, as speedily as possible, Government trees standing in occupied numbers except sandalwood trees, which should be disposed of only as soon as they come to their exploitable age (Government Resolutions Nos. 3906, dated 23rd May 1883, 4537, dated 15th June 1883, 7537, dated 25th October 1890, 6852, dated 6th October 1891 and 5311 dated 18th August 1898)

Disposal
of sandal-
wood
trees in
occupied
numbers.

227. (1) Sandalwood trees standing in occupied numbers should be cut and sold departmentally instead of being given to the occupants at a uniform price of one rupee. The Conservator is at liberty to exercise his discretion in deciding whether to cut and remove the trees through departmental agency or to sell the trees as they stand by public auction. In the latter case trees bought by non-occupants must of course be cut at once, but any redeemed by the occupant should be allowed to stand at his will

Disposal
of other
trees when
occupant
refuses to
buy.

(2) When the occupant declines to purchase all the reserved trees, other than sandalwood, on his land at an all round rate of one rupee per tree (*vide* article 226), the trees should be sold by auction. He cannot be permitted to select some at the all round rate and to refuse to buy the remainder (Government Resolutions Nos. 895 dated 2nd February 1895, and 2985 dated 4th May 1901.)

228. The orders in the preceding article apply only to lands occupied for agricultural purposes, and not to the compounds of bungalows, the owners of which may grow what trees they choose without any claim on behalf of Government. (Government Resolution No 2113, dated 24th March 1898.)

229. Sandalwood trees standing in building sites held rent-free under the provisions of section 128 of the Land Revenue Code, would be at the disposal of the holders of such lands, because those sites fall under the definition of "alienated" lands, given in clause 19 (now clause 20) of section 3 of the Land Revenue Code, and, therefore, the reservation of sandalwood provided for by section 40 of the Code does not apply to them. Sandalwood standing in lands not held rent-free within the limits of the City of Dhárwár would be the property of Government under section 40 of the Land Revenue Code. (Government Resolution No. 7097, dated 28th September 1889.)

NOTE.—Regarding ownership of sandalwood trees in village sites in Kanara read Appendix II—10

230. The interpretation to be placed on Rule 98 (now rule 62, see article 222 above) of the rules under the Land Revenue Code is that Government abandon their claim to any tree growth *after* the sale of the occupancy right, *i.e.*, to trees or saplings which have grown up either for the first time or from the stools or old roots after the occupant has obtained the land. In the special cases referred to where teak has been cut by Government on waste lands which are still unoccupied, any new growth which may arise either from the old stools or stumps or entirely separate from those roots or stumps prior to the sale of the occupancy right of such land, is the property of Government. (Government Resolution No. 4321, dated 30th June 1888.)

NOTE.—The first part of this article does not apply to the lands mentioned in rule 63 of the Land Revenue Code Rules (*Vide* article 222).

231. (1) Only the proceeds of the sale of such trees as Government direct to be at the disposal of the Forest Department should be credited to forest revenue; the proceeds of the sale of all other trees which are growing or have been growing on assessed waste land should be credited to land revenue. (Government Resolution No. 3095, dated 16th April 1881.)

(2) The principle laid down in the above Resolution for assessed waste should be applied also to unassessed waste not included in forests. In occupied numbers, the sale-proceeds of trees which are placed at the disposal of the Forest Department by rule 93 (now rule 60 of the Land

Revenue Code Rules) or are reserved by such special rule as No 98 A (now rule 63) should be credited to the Forest Department, and the sale-proceeds of all other trees to the Revenue Department (Government Resolution No 4503, dated 11th June 1884)

(3) The proceeds of the sale of teak sandalwood and blackwood on assessed waste land not included in forest should be credited to the Forest Department the proceeds of all other trees on such land being credited to Land Revenue (Government Resolution No 3838, dated 13th May 1881)

Trees outside railway fence 232. All trees outside a railway fence are Government property (Government Resolution No. 247 dated 11th January 1890)

Preservation of road side trees 233. The propriety of laying down a general law concerning road-side trees planted by landholders in their own land was much discussed by the Select Committee on the Revenue Code Bill That Bill as introduced, contained a specific provision on the subject, but it was much opposed and it has been omitted from section 12 of the Bill as read a third time and passed on the 15th April 1879

The only way to prevent such road-side trees being cut down is to apply the provisions of Act X of 1870 (now I of 1891) for the acquisition for public purposes either of the trees, or of both the trees and the land on which they stand. (Government Resolution No 3195, dated 3rd July 1879)

Village officers should protect road side trees 234. It is the duty of village officers to protect Government trees on local and provincial roads without any additional remuneration (Government Resolution No 2731, dated 5th May 1876.)

Forest officers should inspect road side trees 235. The Conservator of Forests and his Assistants will take notice of the road-side trees and report to the Collector any instance of neglect in the plantation of trees in soil or situation unsuited to their growth (Government Resolution No 3283, dated 26th June 1880.)

Grant of certain concessions to private persons for planting trees in the Presidency proper 236. It has always been the policy of Government to encourage private persons to plant and preserve trees in open spaces near towns and villages, and in waste lands, and orders have been issued from time to time with this object in view. Thus under Government Resolution No. 4118, dated 11th June 1901, persons planting fruit trees on open land in any village site or on Government waste land adjoining a village, are entitled to the produce of the trees. Again under Government Resolution No 3293, dated 26th May 1887, orders were passed for the encouragement of babul

plantations in unassessed waste in the neighbourhood of rivers and nalas in the Ahmedabad District, and it was directed that the sale-proceeds of the trees as also of dead and fallen timber should be shared between Government and the planters. The Governor in Council is of opinion that the time has come when the importance of the object in view justifies—nay—demands the grant of more liberal terms. On account of the steady industrial development of the country the demand for fuel is becoming more and more intense, and the high prices of fire wood and of wood for agricultural implements press severely on the poorer classes. Every addition to the supply of firewood diminishes the amount of useful manure that is consumed as fuel. The plantation of trees and shady groves adds to the beauty of every village and provides a grateful shelter for man and beast. On economic as well as æsthetic considerations the importance of adding to the tree growth in this country is obvious and Government trusts that the public will give a hearty response to the concessions now offered.

2. With a view to encouraging private persons to plant trees at their own expense in lands set apart for the common use of the village, in Government unassessed waste, and in reserved forests in charge of the Revenue Department, the Governor in Council is pleased to issue the following instructions.—

(1) Before planting is undertaken, the permission of the Mámlatdár or Mahálkari shall be obtained.

(2) On receipt of an application for permission, the Mámlatdár or Mahálkari shall ascertain by local enquiry whether there is any objection to permission being granted. In cases of doubt, especially when the land is reserved forest in charge of the Revenue Department or already contains trees of any value which are the property of Government, the case shall be submitted for the orders of Sub-Divisional Officer.

(3) In case of permission being granted a permit shall be given to the applicant, stating precisely the extent, situation and boundaries of the land in which he is permitted to plant trees and setting forth the conditions specified below. No restriction shall be placed on the number or kind of trees to be planted :—

(1) No right over the land shall be granted to the permit-holder.

(ii) The permit-holder shall be allowed to erect any fence which may be necessary for the purpose of protecting the trees planted by him

(iii) The usufruct and the timber of the trees, i.e., the leaves, twigs, flowers, fruits and branches of the trees, and the trees themselves when fallen or felled shall be given entirely free to the permit-holder.

(iv) Power to remove the trees when necessary without claim to compensation, shall be reserved to Government, trees so removed being given free to the permit-holder under clause (iii)

(v) The permit shall be subject to cancellation if the trees are not planted in accordance with the permit within a reasonable time to be fixed in the permit, and thereafter if they are not in the opinion of the Mamlatdar or Mahalkari properly tended and kept. When a permit is cancelled, any trees that may be on the land shall be given to the permit-holder under clause (iii) or shall be forfeited to Government as the Mamlatdar or Mahalkari shall direct

3. All Collectors in the Presidency Proper should be requested to give the widest possible publicity to these orders, and utilize every opportunity to induce the villagers to apply for the benefit of the rules (Government Resolution No. 1 of 2nd January 1913)

The above concessions may be continued to the legal heirs of the permit holder.

237. The concessions granted to permit-holders by the above Resolution should be continued to their legal heirs without any restriction with regard to succession or transfer. (Government Order No. 9124 of 6th September 1918.)

CHAPTER XXVII.—MISCELLANEOUS.

SECTION 78.—DUTIES OF REVENUE AND POLICE OFFICERS WITH REGARD TO FORESTS

Rules regarding duties of Revenue and Police officers with regard to forests
Duties of village officers.

238. For duties of Revenue and Police officers with regard to forests see rules under section 75(a) of the Forest Act (article 208), especially rules 17, 18, and 21 to 28

239. It is very necessary that village officers should be made to understand that they are indirectly responsible for the preservation of forests, as being the property of

Government. The fact that there is a forest establishment, whose prime duty is solely to look after forests, does not relieve the village officers from their share of responsibility in the matter. (Government Resolution No. 5062, dated 19th July 1890, as amended by Government Resolution No. 3025, dated 5th May 1902.)

240. Exemplary punishment should be inflicted on Village officers whenever damage has resulted to Government forests through culpable negligence on the part of those officers. (Government Resolution No. 650, dated 26th January 1891.)

NOTE.—For duties of village officers with regard to fire protection read article 112, and with regard to protection of roadside trees read article 23f

SECTION 79—MANAGEMENT OF FORESTS. THE JOINT PROPERTY OF GOVERN- MENT AND OTHER PERSONS.

241. The following rules* for the management of forests in which the Izáfatdárs in the Thana Collectorate have a share have been sanctioned by Government on the distinct understanding that the Izáfatdár himself derives a revenue in which Government have a share from the 'forest produce' mentioned. If the Izáfatdár does derive a revenue from 'karvi' or other minor produce, Government, by the terms of the Izáfatdár's tenure have a right to share in it, and there is no reason why that right should be foregone. But Government do not intend this rule to be wrested so as to make it imperative on Izáfatdárs to demand a revenue on such minor produce when the people have hitherto obtained it free from the Izáfatdár's forests, or to sanction implicitly new taxation of such minor produce in Government forests.

Rules for the management of forests in which the Izáfatdárs in the Thana Collectorate have a share

Government have no objection to these rules being made applicable to all Inámdárs who exercise forest rights and pay judi on them to Government, but before they are applied, the Conservator should ascertain from the Collector and the Legal Remembrancer that no legal objection can be taken by the Inámdárs

With regard to rule VII, it is observed that it is unnecessary to give an Izáfatdár, who cuts but little, unnecessary

*NOTE (1) —It appears from the correspondence underlying these rules that they refer to the Izáfat villages which were brought under Gordon's Watan Settlement. As regards other villages to which this settlement was not applied, the Izáfatdárs did not acquire any forest rights in their holdings

NOTE (2).—For orders regarding Inámdárs' forests see articles 364 to 376.

trouble and on the other hand, when heavy cuttings are going on, more frequent examinations of accounts may be advisable. Similar arrangements can be made as regards the payment of the instalments of judi.

Rule I.—At least three months before the commencement of any cutting in the forest, the Izáfatdár will deliver a *yádi* to the Mámlatdár of the táluka in which his village is situated, to be forwarded to the Divisional Forest Officer, stating the following particulars, namely —

(1) the species of trees, or description of other forest produce, that he proposes to cut, i.e. whether Teak, Black-wood Rywal (building timber), Firewood, Bamboos, Karvi, or other,

(2) the approximate amount of each kind or description and the circumference and length of the trees and poles which he intends cutting,

(3) the limits within which the fellings are to take place, i.e. whether the entire forest area of the village is to be operated upon or only a certain portion of it,

(4) the period or periods of fellings,

(5) whether the Izáfatdár is going to cut the timber, etc., himself, and afterwards sell it either at once to a particular person or persons, or from time to time as purchasers may be found, or whether the trees or other forest produce are to be sold standing in lump to a contractor, or to different purchasers, who will fell and remove the material at their own cost,

(6) whether any contract or agreement has been entered into either for cutting and purchasing or for purchasing only in which case a copy of the contract or agreement, if the same be in writing, shall accompany the *yádi*, and, if it be oral, the terms as to prices, quantities and other particulars shall be fully set forth in the *yádi*.

Provided that in the case of a notice given in any of the months of March to September (both inclusive) the three months' period required as notice under this rule shall be held to commence from the first of October next following.

Rule II.—The Izáfatdár will issue a pass with every cart, raft or load of timber or other forest produce exported from his village, whether by himself or his servants, or by contractors or purchasers. Printed forms with counterfoils to be retained by the Izáfatdár, will be supplied for this purpose

by the District Forest Officer at cost price, in which the following details will be filled in under the signature of the Izáfatdár, or of his authorized agent :—

1. Species and description of Forest produce, i.e., whether timber (and, if so, its kind.) Firewood, Bamboos, Kárvi, etc
2. Form and shape, i.e. whether Logs, Rafters, Beams, or other.
3. Quantity, i.e. cubical measurement or number of pieces
4. Price paid, or to be paid, and name of contractor or purchaser, and date of his contract or agreement.
5. Distinguishing mark.
6. Destination.
7. Date when pass was granted and how long it is to continue in force.

Rule III.—If any timber or other forest produce is removed from an Izáfatdár's village, except under cover of a pass duly filled in and signed as prescribed by last rule, it shall be liable to seizure by any Forest, or other Revenue or Police Officer, and to be disposed of as if it were the property of Government.

Rule IV.—The following accounts in connection with their Forests will be kept by Izáfatdárs .—

1. A stock account book showing in detail all the material felled and brought out of the Forests, and how the same is disposed of, in Form A *
2. A Roz-kird or daily cash book, in Form B' hereto annexed, in which every money transaction connected with the forests of the village will be entered.
3. A Ledger of the above in Form C.
4. Pass books in which shall be kept the counter-foils of all passes that have been issued, containing all the details required in the passes themselves.
5. A memorandum-book of the date and terms of every contract or agreement, either written or verbal, entered into by the Izáfatdár for sale of forest produce, with the names and residences of the contractors or purchasers

* The forms should be printed and given to the Izáfatdárs at cost price (Government Resolution No. 6770, dated 2nd December 1875.)

6 Receipts shall be taken and kept for all disbursements, and shall be granted for all sums received, and duplicates of the latter shall be kept and filed in chronological order.

Rule V—The above accounts will be kept by the Izáfatdár in person or by an agent appointed and paid by him, who should be provided with a power of attorney from the Izáfatdár to collect monies and issue passe on his behalf, a copy of every such power of attorney being forwarded as soon as the power is executed to the District Forest Officer for his information

Rule VI.—The accounts will be closed and balanced at the end of every official year, i.e., new accounts will be opened on the 1st April of every year, and closed on the 31st March of the following year

Rule VII—On the dates noted in the margin or on such other dates as the Collector and Conservator may appoint the Izáfatdárs will either bring or send by their authorized agents to the Taluka Kutcherry all the accounts required to be kept by Rule IV, fully made up and complete to date, together with the originals of any written contract or agreement into which they have entered for the sale of forest produce. The accounts will then be compared and examined by the Forest Inspector of the Taluka, and the Mámlatdár, in conjunction with the Izáfatdár or his authorized agent, and if found correct, the amount of judi payable to Government will be ascertained from them, and recorded in the Roz-kird under the signatures of the Mámlatdár, the Forest Inspector and the Izáfatdár or his agent. In the event of any dispute as to the correctness of the accounts a reference will be made to the Collector by the Mámlatdár who will forward the written explanation or objections of the Forest Inspector, and of the Izáfatdár or of his agent, together with his own opinion as to the points in dispute

1st March 1st July 1st December	{ Of every year	
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Rule VIII.—The judi shall be paid by the Izáfatdár or his agent into the Mámlatdár's Treasury to the credit of the Forest Department within 7 days after the amount due has been determined

Rule IX—The Collector of the District or Assistant Collector, the Conservator of Forests, the District Forest Officer, the Taluka Forest Inspector, or the Mámlatdár shall

be at liberty to call for and examine the Izáfatdár's accounts in his village at any time when any such officer may think fit to do so, and the Izáfatdár or his agent shall render every assistance in his power towards this work, by producing his books and papers and explaining items.

Rule X.—The Conservator of Forests, acting under the orders of Government, will appoint as many Rakhwáldárs, or other forest subordinates, as he may from time to time think proper in each Izáfatdár's village, in order to protect the interests of Government, the salaries of all such servants being disbursed by Government; and no objection or resistance shall be offered by the Izáfatdár or by any of his servants, contractors or purchasers to the performance by any such Rakhwáldár, etc., of the duties assigned to him.

(Government Resolution No. 6770, dated 2nd December 1875, as amended by Government Resolution No. 9822, dated 28th September 1908.)

242. The rules sanctioned in Government Resolution No. 6770, dated 2nd December 1875 (*vide* preceding article), ought, if worked with care and consideration for the position of the Izáfatdárs, to prevent any serious difficulty in the future, unless indeed actual fraud is attempted against Government. Government can only claim a share of the Izáfatdár's actual income from the forests, and as the management of the forests has been resigned unreservedly into their hands, the Forest Department will not be justified in interfering in any way with a view of securing either a more economical or a more profitable management. Extent to which Government interference in the management is justifiable

But if any Izáfatdár fails either to pay what is due from him or to render a true and fair account of his income from the forest, a suit will lie at any time to compel him to do so. And from the time the above-mentioned rules were communicated to the Izáfatdárs a suit will lie to compel them to produce the accounts, etc., therein prescribed, or to recover damages in case of failure.

But it would not be advisable to institute a suit in any case without serving upon the Izáfatdár, in the first instance, a written notice fully setting forth what is required of him, and allowing him a reasonable time for compliance. He should also be informed that, in the event of his failure to do what is required, legal measures will be resorted to to compel him to do so. In such a case as that of the Izáfatdár's making deductions in his account which the Conservator

considers unauthorized, he should be called upon to furnish details, and a statement of his reason for making the deduction, and then, if it is thought that he is in the wrong, he should be so informed, and if he does not yield, a written notice may be served on him as stated above (L. R. No. 426, dated 1st May 1876 *vide* Government Resolution No. 2867, dated 12th idem)

Judi is leviable on the actual income of the Izáfátdár.

243. Government are entitled to calculate judi on the Izáfátdár's actual income from his forests, and not upon the Forest Department's estimate of their value. The difference between the value of the actual outturn of wood and the price paid for it by the purchaser to the Izáfátdár, is the purchaser's profit on the transaction, with that Government have nothing to do. A gross discrepancy between the actual value and the selling price would, of course, give rise to a suspicion of fraud which would necessitate care on the part of forest officers in ascertaining whether the transaction was a *bona fide* one or not. It should be remembered, however, that the Courts never presume fraud, but always require distinct proof of it. (L. R. No 594, dated 21th June 1876 : *vide* Government Resolution No. 3866, dated 5th July 1876.)

SECTIONS 75 (d) AND 84 —CONTRACTS

Rule under section 75 (d) binding contractors to bids made by them in auction.

244. In exercise of the powers conferred by section 75 clause (d), of the Indian Forest Act, 1878 (VII of 1878), as amended by the Indian Forest Act, 1890 (V of 1890), and in supersession of Government Notification in the Revenue Department, No 2799, dated the 31st March 1896, the Governor in Council is pleased to make the following rule, with reference to section 84 of the said Act amended as aforesaid, namely .—

Rule

Whoever enters into any contract with any Forest Officer acting on behalf of Government, shall, if so required by such Forest Officer, bind himself by a written instrument to perform such contract

Explanation —A person, who makes a written tender for a contract, or who signs the conditions of an auction sale at which he is a bidder, such tender or conditions of sale being on or in a form furnished by a Forest Officer for that purpose, whereby he

(a) binds himself to perform the contract for which he tenders or bids, in the event of his tender or bid being accepted, or

(b) binds himself not to withdraw his tender or bid during the time that may lapse before its acceptance or refusal is communicated to him, shall be deemed to have been required by such Forest Officer to bind himself as aforesaid, and

in case (a) on the acceptance of his tender or bid, or

in case (b) on the making of his tender or bid,

to have bound himself accordingly, within the meaning of this rule; and any such person need not enter into a separate written instrument for the purpose, unless specially so required by the Forest Officer with whom he contracts (Government Notification No 5200, dated 6th August 1903.)

245. In exercise of the powers conferred by section 2 of the East India Contracts Act, 1870 (33 and 34 Vict, Chap. 59), and of all other powers enabling him in this behalf, the Governor General in Council is pleased, in supersession of existing orders, to declare that the undermentioned classes of deeds, contracts and other instruments referred to in section 2 of the Government of India Act, 1859 (22 and 23 Vict., Chap. 41), may be executed as follows—

* * * *

J.— In the case of the Forest Department.—

Contracts and other instruments in matters connected with the administration and working of forests and with the business of the Forest Department generally	}	By Chief Conservators, Conservators, Collectors of Districts, Deputy, Assistant, Extra Deputy, and Extra Assistant Conservators of Forests to such extent and within such limits as the Local Government may prescribe by notification in the <i>Official Gazette</i> .
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(*Vide* Government Orders, Judicial Department, Nos. 5575, dated 4th August 1913, and 7866, dated 7th November 1913.)

246. Under Government Notification No. 608, dated the 3rd February 1879, Revenue Department, published at page 94 of Part I of the *Bombay Government Gazette* for 1879 and Government Notification No. 1280, dated the 21st February 1898, published at page 123 of Part I of the *Bombay Government Gazette* for 1898, it is prescribed that "contracts

Officers who may execute contracts on behalf of Government

Limits within which Forest officers may execute contracts.

and other instruments in matters connected with the administration of forests and with the business of the Forest Department in the Bombay Presidency generally " may be executed within the limits of their respective charges, by

(1) Conservators or Deputy Conservators in charge of Circles, } whatever be the amount or value of the subject-matter of the contract or other instrument,

(2) all Divisional Forest Officers whether Deputy Conservators, Extra-Deputy Conservators, Assistant Conservators, or Extra-Assistant Conservators, } if such amount or value do not exceed Rs 5,000.

Provided always that no Forest Officer of any grade below that of Conservator or Deputy Conservator in charge of a Circle shall execute any contract or other instrument without, or otherwise than in accordance with, the previous sanction of the Conservator or Deputy Conservator in charge of a Circle to whom he is subordinate, given either expressly or generally in connection with a sanctioned working plan of a season, and that every contract or other instrument executed by any such officer shall be drawn in a form which has been approved by the said Conservator or Deputy Conservator in charge of a Circle. (Government Resolution No 1280, dated 21st February 1898)

Agreements should be countersigned by the Conservator

247. Even when a Divisional Forest Officer is competent under the rules (*vide* preceding article) to enter into a contract, the agreement when completed should be sent to the Conservator for inspection and countersignature (Memorandum of Instructions approved by Government Resolution No 7220, dated 17th November 1900)

Countersignature unnecessary in certain cases

248 The inspection and countersignature of the Conservator are unnecessary in the case of agreements executed by Deputy and Extra Deputy Conservators of not less than 10 years' standing (Government Resolution No 730, dated 23rd January 1914)

Extensions to contractors can be granted only by Conservators,

249 Extension of time to contractors for completion of their contracts entered into with Divisional Forest Officers can be granted or refused only by Conservators. (Government Resolution No 3100, dated 2nd April 1913)

250. Draft forms (Standard Forest Forms Nos 195 to 204) of agreements, schedules of special clauses and memorandum of instructions for the Presidency proper have been sanctioned by Government, to be used when carrying out contracts or other instruments in matters connected with the administration and working of forests and with the business of the Forest Department generally. (Government Resolutions Nos. 7220, dated 17th November 1900, and 8669, dated 9th December 1902, and 247, dated 12th January 1901.)

251. Vernacular versions of agreements need not be supplied to contractors (Government Resolution No. 9961, dated 25th October 1911.)

Agreement forms.

Vernacular copies of agreements not to be supplied to contractors.

252. (i) It is sufficient if the form of agreement is kept in the offices of the Divisional Forest Officers and Rangers for inspection by intending contractors and mentioned in advertisements, proclamations, or bills inviting bids or tenders for contracts, and also made specially available for inspection at any public auctions or sales of such contracts.

Means of acquainting the public with the terms of agreements.

(ii) With a view to avoid delays in the execution of agreements in pursuance of accepted forest contracts, a provision should invariably be included in the published or proclaimed conditions of sale or invitation of tenders, to the effect that the necessary contracts should be concluded and signed by the contractors within a fixed period in no case exceeding one month.

Time-limit within which agreements should be completed.

(iii) Although not bound by rule or published conditions of sale to do so, yet the Conservator or Deputy Conservator of Forests in charge of the Circle or the Divisional Forest Officer concerned should be careful to sign the contracts at the same time as, or as soon as possible after, the contractors sign as contemplated in the agreement. (Government Resolution No. 7220, dated 17th November 1900.)

Signing of agreements by Conservators or Divisional Officers

253. The duties chargeable under the Indian Stamp Act (II of 1899) are remitted in respect of the instruments mentioned below :—

Leases, agreements and security

(1) Lease granted by the Government under rules made under the Indian Forest Act, 1878 (VII of 1878), section 31, or purporting to be so granted of land situated in a protected forest in any of the following villages in the Akola taluka of the district of Ahmednagar in the Presidency of Bombay, namely.—Ambit,

bonds are exempt from stamp duty.

(Government of India, Finance Department, Notifications Nos. 3616-Exc. dated 16th July 1909, and 356-F, dated 2nd September 1912; and Government Resolutions Nos. 8022, dated 17th August 1909, and 9171, dated 4th October 1912)

Name of petitioner—

I hereby give notice that I have bought
completed the work in Coupe
Block , Range . of
the Division, and wish to take
give over charge of the
same

Signature.

Date of receiving over charge delivering	Range, Block, Coupe	Damage, if any	Value of Damage	Remarks
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I hereby certify that I have handed over charge of the abovementioned area

Signature of Giver.

NOTE—Two such forms should be attached to every agreement, one certifying the handing over of the area to the contractor, and the second certifying that he has handed the area back to the Forest Officer at the time of the completion of his contract.

PART III.

Forest Policy and Classification of Forests.

CHAPTER XXVIII.

GOVERNMENT POLICY WITH REGARD TO
FORESTS.

255. The following extract from the Secretary of State's Forest Despatch No. 14, dated 24th April 1863, to the Government of Fort St George, contains general remarks on the question of Forest Conservancy —

“ 16. The importance of Forests, not only as yielding timber and firewood, but as affecting the rainfall, the climate and the soil, and as protecting in mountainous regions, the country of the plains, has been overlooked, not in India alone but in other countries of the world. But of late years sounder views on this point have been adopted. Humboldt very broadly stated (and the statement is now very generally accepted) that the more cultivation increases and the forests diminish the drier both soil and climate become. Nor is there any reason, as I remarked in paragraph 6 of my despatch of the 9th March, No. 7, if the forests are properly managed and a judicious outlay is bestowed on them, why a proportionate profit should not be obtained from them. Whatever may have been the case formerly, there can be no doubt of this in India now, since the introduction of Railways, the stimulus given to the construction of other public works, and the building of private houses and manufactures, from the increased and the increasing influx of Europeans into India, has created so large a demand for timber. Use of forests

“ 17. To forests, from their nature, the usual maxim of political economy, which leaves such undertakings to private enterprise cannot be applied. Their vast extent, the long time that a tree takes to reach maturity, and the consequence that few persons live long enough to obtain any, and more specially the highest, returns for expenditure, even once in the course of their lives, are proofs of the necessity that forest management should be conducted on permanent principles and not be left to the negligence, avarice or caprice of individuals, and therefore point to the State as the proper administrator, bound to take care that, in supplying the Necessity of forests being managed by the State

wants of the present generations, there is no reckless waste, no needless forestalling of the supply of future generations. This is matter of experience, not in India only but in all other countries of the world. For several years past some of the forests of your Presidency have been under the superintendence of an able Conservator and a small Forest Department, and the attention of your Government has been creditably directed to their preservation from utter ruin. But, as Major Morgan has observed in the report before me, "conservancy is yet in its infancy." What has been done, however, has shown that by extending the system, and placing it on a sound and permanent footing, much more might be done. To attain this the Forest Department should be made thoroughly effective and all forests, without exception, should be at once brought under its authority. The Conservator should have competent Superintendents under him, with a moderate, but still a sufficient staff suited for the requirements of each forest. He should lay down general rules which should only be departed from with his permission, and when a difference in the circumstances of a district might render a change expedient. Some system of this kind does, I am aware, exist to a certain extent, but it requires to be made more complete, and to have a permanent character.

Revenue
and forest
authori-
ties should
work in
concert

"18 The rules should, for the most part, be determined on in concert with the Revenue Authorities. Intimately connected as the forests are with cultivation, it is highly important that the department should work in strict connection and communication with the Collectors of the several districts and their Subordinate Officers. I mention this, as I regret to perceive, from Mr Spring's report, that this has not been the case on the borders of Cuddapah and North Arcot, the jungles of which have, notwithstanding your orders, suffered very much in consequence" (Government Resolution No 3816 dated 10th December 1864.)

Position
and con-
stitution
of the
Forest
Service

256. 1. The guiding principle is that forest administration is a branch of general administration and that responsibility for a wise and efficient management of forests rests as much with the Collectors and their Assistants as with the officers of the Forest Department. While, on the one hand, the creation of a separate and specially trained Department has made it unnecessary and undesirable that Revenue Officers should interfere with the professional work of Forest Officers, it is essential, on the other hand, that the position and authority of the Collector, as the officer responsible for the executive management and well-being of his District

and the head of the Forest Department therein should be upheld and effectively safeguarded. This principle is of general application; but its observance is specially important in Districts such as Thana, where large tracts, formerly recognized as open to the villagers for communal purposes, have been included in forests and where, as observed by the Forest Commission, former customs and conditions of agriculture give the cultivators strong claims to liberal treatment in all arrangements for the distribution of forest produce and where, owing to the system of forest demarcation which circumstances have made it necessary to adopt, local as well as imperial wants have generally to be met from the same areas. In its management of forest the ease and contentment of the people is an object of greater solicitude to Government than the realization of revenue, and while no relaxation of precautions necessary for the conservation and reproduction of the timber and firewood supplies can be permitted and the Forest Officers must be vigorously supported in resisting unauthorized encroachments, Government have no desire to increase their forest revenue by the curtailment of conceded privileges or of local supply, or by the levy of excessive charges for grass and other minor forest produce. The benefit of any revenue so obtained would be altogether insufficient to countervail the hardship and irritation that would be caused were the rayats unduly pressed in the matter of obtaining *rab* and firewood, grazing for their cattle or grass for thatching and other household purposes.

NOTE.—The orders contained in this paragraph apply to the grazing of sheep and goats as well as cattle. (Government Resolution No. 775, dated the 29th January 1891.)

2. Government are sensible of the zeal by which the Conservators and Forest Officers generally are actuated, and of the good work which is being done by them. Unless, however, the Revenue Officers keep a watchful eye over all forest operations, affecting local supply and local privileges, there is evident danger of the intentions of Government being frustrated and misconstrued through excess of zeal for conservancy on the part of Forest Officials. Disregard of the rule which requires all orders regarding privileges to be sent through the Collectors has on more than one occasion caused hardship and inconvenience to forest villagers, which might doubtless have been avoided had the Collector been given the opportunity of objecting, which the rule itself provides. It is to the Collectors and Commissioners that Government must look to exercise the check which is required and to

Control of
privileges
by the
Revenue
author-
ities.

enable them to do so more effectually than at present it is necessary to direct that in future all orders affecting local supply and privileges in forests shall be issued *exclusively* by the Collectors, and shall be communicated to the people interested through the ordinary revenue channels. All orders regarding closure of forest compartments, whether for planting or reboisement, or for punitive purposes, except closure of coupes recently felled in regular rotation in accordance with duly sanctioned Working Plans, must be held to fall within this category. (Government Resolution No 650, dated 25th January 1891)

Closure 257. Copies of the following Resolution of the Government of India, No 22-F, dated 19th October 1891, containing the latest pronouncement of that Government on the subject of forest classification and administration were forwarded to all Commissioners, Collectors and Conservators of Forests for information and guidance —

Forest policy of the Government of India “In Chapter VIII of his Report on the Improvement of Indian Agriculture, Doctor Volcker dwells at length upon the importance of so directing the policy of the Forest Department that it shall serve agricultural interests more directly than at present, and in his review of Forest Administration for 1892-93, the Inspector-General of Forests discusses in some detail the principles which should underlie the management of State Forests in British India. While agreeing generally with the principles thus enunciated by the Inspector-General of Forests, the Government of India think that it will be convenient to state here the general policy which they desire should be followed in this matter, more especially as they are of opinion that an imperfect apprehension of that policy has, in some recent instances, been manifested

Principles of Forest management “2 The sole object with which State Forests are administered is the public benefit. In some cases the public to be benefited are the whole body of tax-payers, in others, the people of the tract within which the forest is situated, but in almost all cases the constitution and preservation of a forest involve, in greater or less degree, the regulation of rights and the restriction of privileges of user in the forest area which may have previously been enjoyed by the inhabitants of its immediate neighbourhood. This regulation and restriction are justified only when the advantage to be gained by the public is great, and the cardinal principle to be observed is that the rights and privileges of individuals

Object of Forest Administration

must be limited, otherwise than for their own benefit, only in such degree as is absolutely necessary to secure that advantage

" 3. The Forests of India, being State property, may be broadly classed under the following headings :

Classification of Forests.

(a) Forests the preservation of which is essential on climatic or physical grounds.

(b) Forests which afford a supply of valuable timber for commercial purposes.

(c) Minor forests.

(d) Pasture lands

It is not intended that any attempt should be made to class existing State Forests under one or other of these four heads. Some forests may occupy intermediate positions, and parts of one and the same forest may fall under different heads. The classification is useful only as affording a basis for the indication of the broad policy which should govern the treatment of each class respectively, and in applying the general policy, the fullest consideration must be given to local circumstances

" 4. The first class of forests are generally situated on hill slopes, where the preservation of such vegetation as exists, or the encouragement of further growth, is essential to the protection from the devastating action of hill torrents of the cultivated plains that lie below them. Here the interests to be protected are important beyond all comparison with the interests which it may be necessary to restrict ; and so long as there is a reasonable hope of the restriction being effectual, the lesser interests must not be allowed to stand in the way.

Forests required to be preserved on climatic or physical grounds.

" 5. The second class of State Forests include the great tracts from which our supply of the more valuable timbers—teak, sal, deodar and the like—is obtained. They are for the most part (though not always) essentially forest tracts and encumbered by very limited rights of user ; and when this is the case, they should be managed mainly on commercial lines as valuable properties of, and sources of revenue to, the State. Even in these cases, however, customs of user will for the most part have sprung up on the margins of the forest, this user is often essential to the prosperity of the people who have enjoyed it, and the fact that its extent is limited in comparison with the area under forest renders it the more easy to continue it in full. The needs

Forests yielding timber.

of communities dwelling on the margins of forest tracts consist mainly in small timber for building, wood for fuel, leaves for manure and for fodder, thorns for fencing, grass and grazing for their cattle, and edible forest products for their own consumption. Every reasonable facility should be afforded to the people concerned for the full and easy satisfaction of these needs, if not free (as may be possible where a system of regular cuttings has been established), then at low and not at competitive rates. It should be distinctly understood that considerations of forest income are to be subordinated to that satisfaction.

"There is reason to believe that the area which is suitable to the growth of valuable timber has been over-estimated and that some of the tracts which have been reserved for this purpose might have been managed with greater profit both to the public and to the State, if the efforts of the Forest Department had been directed to supplying the large demand of the agricultural and general population for small timber rather than the limited demand of merchants for large timber. Even in tracts of which the conditions are suited to the growth of large timber, it should be carefully considered in each case, whether it would not be better both in the interests of the people and of the revenue, to work them with the object of supplying the requirements of the general and in particular of the agricultural population.

Relative
importance
of
forest
lands and
cultiva-
tion.

"6. It should also be remembered that, subject to certain conditions to be referred to presently, the claims of cultivation are stronger than the claims of forest preservation. The pressure of the population upon the soil is one of the greatest difficulties that India has to face, and that application of the soil must generally be preferred which will support the largest numbers in proportion to the area.

"Accordingly, wherever an effective demand for cultural land exists, and can only be supplied from forest areas, the land should ordinarily be relinquished without hesitation, and if this principle applies to the valuable class of forests under consideration, it applies *a fortiori* to the less valuable classes which are presently to be discussed. When cultivation has been established, it will generally be advisable to disforest the newly settled area. But it should be distinctly understood that there is nothing in the Forest Act, or in any rules or orders now in force which limits the discretion of Local Governments without previous reference to Government of India (though, of course, always subject

to the control of that Government) in diverting forest land to agricultural purposes even though that land may have been declared reserved forests under the Act.

"7. Mention has been made of certain conditions to which the application of the principle laid down in the preceding paragraph should be subjected. They have for their object the utilization of the forest area to the greatest good of the community. In the first place, the honey-combing of a valuable forest by patches of cultivation should not be allowed; as the only object it can serve is to substitute somewhat better land in patches for sufficiently good land in large blocks, while it renders the proper preservation of the remaining forest area almost impossible. The evil here is greater than the good. In the second place, the cultivation must be permanent. Where the physical conditions are such that the removal of the protection afforded by forest growth must result, after a longer or shorter period, in the sterilization or destruction of the soil, the case falls under the principle discussed in paragraph 4 of this Resolution. So, again, a system of shifting cultivation, which demands a large area of forest growth in order to place a small area under crops, costs more to the community than it is worth and can only be permitted, under due regulation where forest tribes depend on it for their sustenance. In the third place, the cultivation, in question, must not be merely nominal and an excuse for the creation of pastoral or semi-pastoral villages, which do more harm to the forest than the good they reap from it. And in the fourth place, cultivation must not be allowed so to extend as to encroach upon the minimum area of forest which is needed in order to supply the general forest needs of the country, or the reasonable forest requirements present and prospective, of the neighbourhood in which it is situated. In many tracts cultivation is practically impossible without the assistance of forests, and it must not be allowed to destroy that upon which its existence depends.

"8. It has been stated above that the forests under consideration are generally, but not always, free from customs of user. When, as sometimes happens, they are so intermingled with permanent villages and cultivation that customary rights and privileges militate against their management as revenue-paying properties, the principles laid down at the end of paragraph 5 of this Resolution should be observed and consideration of income should be made secondary to the full satisfaction of local needs. Such restrictions as

may be necessary for the preservation of the forest, or for the better enjoyment of its benefits, should be imposed; but no restriction should be placed upon reasonable local demands, merely in order to increase the State revenues.

Minor
Forests

"9. The third class of forests include those tracts which, though true forests, produce only the inferior sorts of timber or the smaller growths of the better sorts. In some cases the supply of fuel for manufactures, railways and like purposes, is of such importance that these forests fall more properly under the second class and must be mainly managed as commercial undertakings. But the forests now to be considered are those which are useful chiefly as supplying fuel and fodder or grazing for local consumption, and these must be managed mainly in the interests of the population of the tract which supplies its forest requirements from this source. The first object to be aimed at is to preserve the wood and grass from destruction; for user must not be exercised so as to annihilate its object, and the people must be protected against their own improvidence. The second object should be to supply the produce of the forests to the greatest advantage and convenience of the people. To these two objects all considerations of revenue should ordinarily be subordinated.

Treat-
ment of
grazing
and levy
of graz-
ing fees

"10. It must not be supposed from the preceding remarks that it is the intention of the Government of India to forego all revenue from the large areas that are valuable chiefly for the fuel and fodder which they yield. Cases must be distinguished. Where the areas in question afford the only grazing and the only supply of fuel to villages which lie round or within them, the necessity of the inhabitants must be treated as paramount, and they should be satisfied at the most moderate rates, and with as little direct official interference as possible. But where the villages of the tract have already ample pasture grounds attached to their cultivation and owned and managed by themselves, and where the crown lands merely supplement these pastures, and afford grazing to a nomad pastoral population, or to herds that shift from one portion of the country to another with the changes of the season, Government may justly expect to reap a fair income from its property. Even in such cases, however, the convenience and advantage of the graziers should be studiously considered, and the inhabitants of the locality, or those who habitually graze over it, should have a preferential claim at rates materially lower than might be obtained in the open market. It will often

be advantageous to fix the grazing demand upon a village or a nomad community for a year or a term of years. The system, like every other, has difficulties that are peculiar to it; but it reduces the interference of petty officials to the lowest point, and minimizes their opportunities for extortion and oppression. Where grazing fees are levied *per capita* free passes are often given to a certain number of cattle. In such cases, the cattle which are to graze free should include, not only the oxen which are actually employed on the plough, but also a reasonable number of milch cattle and calves. A cow or a buffalo is as much a necessity to a cultivator using the word necessity in a reasonably wide sense, as is a plough-bullock; and in many parts the oxen are bred in the village.

"11. In the portions of his Report which are referred to in the preamble of this Resolution Doctor Volcker strongly recommends the formation of fuel and fodder reserves and the Government of India has repeatedly urged the same policy upon Local Governments. The question whether any particular area can be made to support a greater number of cattle by preserving the grass and cutting it for fodder, or by permitting grazing upon it, is one that must be decided by the local circumstances of each case. But when it has been decided, the issues are by no means exhausted. It has been stated in paragraph 9 above that one main object towards which the management of these minor forests should be directed is, supply of fuel and fodder, 'to the greatest advantage and convenience of the people'. In doing so, due regard must be had to their habits and wishes. It may be that strict preservation and periodical closures, or the total prohibition of grazing, will result in the largest yield both of fuel and fodder in the form of hay. But that is of small avail if the people will not utilize the increased supply in the form in which it is offered them. The customs of generations alter slowly in India; and though much may and should be done to lead the people to their own profit, yet it must be done gently and gradually, always remembering that their contentment is no less important an object than is their material advantage. It must be remembered, moreover, that the object of excluding grazing from the reserves in question, is the advantage of the neighbourhood, and that the realization of a larger income than grazing would yield, by preserving the produce, only to sell it to the highest bidder for consumption in large towns at a distance from the reserve, is not always in accord-

ance with the policy which the Government of India has inculcated. Here again circumstances must decide. It may be that the local supply of fuel or fodder, independently of the reserved area is sufficient in ordinary years for the needs of the neighbourhood. In such a case the produce may legitimately be disposed of in such years to the greatest advantage, reserving it for local consumption only when the external supply runs short. Finally, the remarks regarding agency in paragraph 12, and the more general considerations that are discussed below in paragraph 13 of this Resolution, apply in full force to areas thus preserved for the supply of fuel and fodder.

Pasture
land.

" 12. The fourth class of forests referred to are pastures and grazing grounds proper, which are usually forests only in name. It is often convenient, indeed, to declare them forests under the Act, in order to obtain a statutory settlement of the rights which the State on the one hand and private individuals or communities on the other, possess over them. But it by no means follows, as a matter of course, that these lands should be subjected to any strict system of conservation, or that they should be placed under the management of the Forest Department. The question of agency is purely one of economy and expediency; and the Government of India believe that in some cases where these lands are managed by the Forest Department, the expenditure on establishment exceeds the revenue that is, or at any rate the revenue that ought to be, realized from them.

Crown
waste
lands.

" The following remarks apply, not only to forest lands under the Act, whether administered by the Forest Department or not, but also to all Crown waste, even though not declared to be forest. Here the interests of the local community reach their maximum, while those of the general public are of the slightest nature. It follows that the principles which have been already laid down for the management of minor forest apply, if possible, with even greater force to the management of grazing areas pure and simple.

Inter-
mixture
of pasture
forests
with
occupied
lands
inadvis-
able.

" 13. The difficulties which arise in connection with these areas are apt to present themselves in their most aggravated form where the tenure of the land is rayatwari. In zemindari tracts the Crown lands generally assume the second of the two forms indicated in paragraph 10 of this Resolution. But where the settlement is rayatwari, every survey number or field that is unoccupied or unassigned is in the possession and at the disposal of Government, and

trespass upon it is *prima facie* forbidden. In some cultivated tracts these unoccupied and waste lands are the only source available from which the grazing requirements of the resident population can be met. The Government of India are clearly of opinion that the intermixture of plots of Government land which are used for grazing only, but upon which trespass is forbidden, with the cultivation of occupancy or proprietary holders is apt to lead to extreme abuses, and especially so when these plots are under the management of the Forest Department. The inferior subordinates of the Forest Department are perhaps as reliable as can be expected on the pay which we can afford to give, but their morality is no higher than that of the uneducated classes from which they are drawn; while the enormous areas over which they are scattered, and the small number of the controlling staff render effective supervision most difficult. It is not right, in order to protect the grass or the grazing dues on plots of waste scattered over the face of a cultivated district, to put it into the power of an underling to pound or threaten to pound cattle on the plea that they have overstepped the boundary between their owner's field and the next. Still less right is it to permit the exercise of the power to compound offences allowed by section 67 of the Forest Act to depend upon the mere report of a subordinate servant, or to expose him to the temptations which such a power holds out. Where the interests involved are sufficiently important, it may perhaps be necessary to accept the danger of extortion while minimizing as far as possible the opportunities for it. But in the case under consideration the interests involved are trifling while the opportunities are unlimited.

"14. It is to be distinctly understood that the Government of India do not desire that the grazing should be looked upon primarily as a source of income. But it by no means follows that all revenues from scattered Government lands should be relinquished. It is, indeed, inadvisable that this should be done, as to do so would give the rayats an interest in opposing allotment and making things unpleasant for new occupants. But the objections to direct management which have just been pointed out are reduced to a minimum or altogether avoided, when the management is placed in hands of the resident cultivators or of representatives from among them. It will generally be possible to lease or otherwise manage the unoccupied lands of a village through the agency of the community; not, indeed, at the highest price

should
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primarily
a source of
revenue.
Management of
unoccupied lands
by village
community.
1109.

which they are ready to pay to escape such evils as have just been alluded to, but at a moderate estimate of their value to them, fixed in view of the fact that herds and flocks, which cannot exist without grazing, are often a necessary condition of the successful conduct of that cultivation upon which the Government land-revenue is paid. In no case should fields that have been relinquished be let to outsiders at a reduced assessment for grazing purposes, for then we might have speculators taking up such fields mainly in order to make what they can out of trespassing cattle.

Protected
forests

"15. One more point of principle remains to be noticed. The procedure under Chapter IV of the Indian Forest Act, whereby forests are declared to be protected, has been in certain cases regarded by the Government of India as a provisional and intermediate procedure, designed to afford time for consideration and decision, with the object of ultimately constituting so much of the area as it is intended to retain a reserved forest under Chapter II and of relinquishing the remainder altogether. The Act provides two distinct procedures. By the more strict one, under Chapter II, existing rights may be either settled, transferred or commuted, and this procedure will ordinarily be applied to forests of the first and second classes indicated in paragraph 3 of this Resolution. By the second procedure, under Chapter IV, rights are recorded and regulated, and this procedure will often be properly followed where the rights to which the area is subject are extensive, and the forest is to be managed mainly in the interests of the local community. It will ordinarily be applied to forests of the third and fourth classes. This second procedure may, indeed, be provisional and introductory to reservation under Chapter II; but there is in the Forest Act nothing repugnant to giving it a larger and even a permanent operation. As regards Government, the chief difference between the two procedures is that new rights may spring up in a protected but not in a reserved forest, and that the record-of-rights framed under Chapter II is conclusive, while that framed under Chapter IV only carries a presumption of truth. It is believed that this presumption offers ample security where the object of regulating the rights is to provide for their more beneficial exercise rather than to over-ride them in the public interests. As regards the people, the chief difference is that, speaking broadly, in a reserved forest everything is an offence that is not permitted, while in a protected forest nothing is an offence that is not

prohibited. In theory it is possible so to frame the permission and the prohibition as to make the results identical in the two cases; but in practice it is almost impossible to do so. If it were not so, the distinction drawn by the legislature would be unnecessary and meaningless. It is only where the public interests involved are of sufficient importance to justify the stricter procedure and the more comprehensive definition of forest offences that the latter should be adopted. The Governor General in Council desires, therefore, that with regard both to fuel and fodder reserves and to grazing areas pure and simple, and especially to such of them as lie in the midst of cultivated tracts, it may be considered in each case whether it is necessary to class them, or if already so classed, to retain them as forest areas; and if this question is decided in the affirmative, whether it would not be better to constitute them protected rather than reserved forests.

"16. Such are the general principles which the Gov-^{General}ernment of India desire should be observed in the adminis-^{Summary.}tration of all State Forests in British India. They are fully aware that the detailed application of these principles must depend upon an infinite variety of circumstances which will have to be duly weighed in each case by the local authorities, to whose discretion the decision must be left. One of the dangers which it is most difficult to guard against, is the fraudulent abuse of concessions for commercial purposes; and only local considerations can indicate how this can best be met. The Government of India recognize the fact that the easier treatment in the matter of forest produce which His Excellency in Council desires should be extended to the agricultural classes may, especially in the case of true forest areas, necessitate more careful supervision in order that the concession may be confined within its legitimate limits. But, on the other hand, they think that in some Provinces it will render possible a considerable reduction of existing establishment, and they desire that this matter may be carefully considered with reference to what has been said above in paragraph 12. They know also that in some Provinces forest policy is already framed on the lines which they wish to see followed in all. But the Governor General in Council believes that Local Governments will be glad to receive the assurance now given them that the Supreme Government will cordially support them in recognizing and providing for local requirements to the utmost point that is consistent with Imperial interests.

Where working plans or plans of operation are framed for forests, the provisions necessary for this purpose should be embodied in them. The exercise of the rights that have been recorded at settlement will necessarily be provided for in these plans. Where further concessions are made by way of privilege and grace, it will be well to grant them for some such limited period as ten years or that they may if necessary be revised from time to time as the circumstances on which they are moulded, change" (Government of India No 22-F dated 19th October 1891, *vide* Government Resolution No. 9605, dated 23rd November 1894)

Claims of cultivation are stronger than claims of forest preservation

258. 1. The principles laid down in paragraph 6 of the Resolution of the Government of India, No 22-F, dated 19th October 1891 (last article), that subject to certain conditions "the claims of cultivation are stronger than the claims of forest preservation", and that "wherever an effective demand for cultivable land exists and can only be supplied from forest areas, the land should ordinarily be relinquished without hesitation" must be acted upon to the fullest extent. Land fit for cultivation is almost always more profitable to the State and more useful to the community when under cultivation than when under forest, and the demand for it should be met, unless it is so situated that its occupation would be prejudicial to the conservancy of valuable forests, or that the soil when loosened would be liable to be washed away by rain, or some other special reason makes it expedient to retain it within the forest area. In many cases plots of cultivable land within the demarcation line could be with great advantage given out for occupation on condition of the holder watching the surrounding forests, and the Governor in Council will be glad to have this method of securing resident guards tried as far as possible. Until a demand arises for any of the land in question, there is some advantage and no disadvantage in its being subject to the provisions of the Forest Act. When the demand does arise, disforestation involves no difficulties, but the need of applying for it ensures separate and consequently more careful consideration being given to the several cases.

Forests which should be under the management of

2. All forests proper, whether they yield timber or firewood or consist merely of scrub jungle protecting the slopes of hills, must of course remain under the management of the Forest Department. That Department should also have charge of all fuel reserves or mixed fuel or fodder

reserves, except such as are so far removed from the forests proper that the superior officers could not exercise effectual supervision without prejudice to more important duties. There are, however, few works of greater utility than the production of firewood and small timber within localities in which they are in great demand. The production of grass does not require the services of a scientific department, and pure fodder reserves should be in the charge of the Revenue Department. It must be remembered that the produce of all these reserves must be devoted primarily to the supply of local wants at reasonable rates, and only the surplus, after these wants are fully met, may be exported. As regards the areas classed as pasture, the Governor in Council sees no reason to depart from the view which is indicated in Government Resolution No 6702, dated 15th September 1893 [for this Resolution read article 274], which is favoured by the Government of India in paragraph 12 of their Resolution No 22-F, dated 19th October 1891 [read last article], and which has already been carried out in several districts, and he is indeed fully convinced that the transfer of these areas to the management of the Revenue Department is the only effectual method of remedying an evil too long continued.

3. Opportunity will be given to the Forest Department to convert into either forest proper or fuel reserves any parts of the pasture area which are suitable for the purpose, provided there remains a sufficient area open for pasture. The Collector's assent will, however, be necessary to all such undertakings, and it will be given only if he is satisfied that the condition above provided for is fulfilled and also that the Department has the means of making the closure effective. The area must be fenced wherever it is exposed to trespass and resident guards must be provided. There must be resident guards to watch the fencing, and they can be simultaneously employed in planting and sowing and other operations for the afforestation of the plots, or in cutting and stacking the grass. Government will be prepared, on being satisfied that the measures for closing any such area are efficient, to authorise the levy of pound fees on the maximum scale for trespass in it, and do not doubt that Magistrates will inflict exemplary punishments when they see that they are dealing with deliberate violations of a reasonable law reasonably applied. It may be hoped that by successful operations under such conditions the population generally will learn to appreciate the bene-

the Forest
and
Revenue
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Conver-
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reserves.

sits of forest conservancy. (Government Resolution No 1668, dated 8th March 1898.)

The true objects for which the Forest Department ought to be organized and maintained

259. The true objects for which the Forest Department ought to be organised and maintained are :—

1st —To guard and preserve from wasteful destruction the timber growing on defined tracts of land, which may properly be withdrawn from private occupation, and by good management to ensure the supply from those tracts, in time to come, of the timber needed to meet the wants of the country.

2nd —To combine with the above the realization by reasonable means of such a revenue as the Government is fairly entitled to expect from its possession of such valuable property.

But Government cannot forget that in striving to attain these ends they are bound to pay due regard to the habits and wants of perhaps the poorest class of the population : and they strongly deprecate vexatious and oppressive interference with their daily life, for the purpose of enforcing in petty details the so-called rights of the Forest Department (Government Resolution No 6141, dated 1st November 1875)

Care should be taken not to unduly harass the people when introducing reforms.

260. It must always be remembered that in the majority of cases the pressure of the old rules made for the preservation of all the forests and the protection of the revenue will fall with the greatest weight on some of the poorest and least civilised of the population of the Presidency, who have long been, as they now are, very dependent on the supplies they draw from the forest. It is the duty of the Government to take care that in carrying out reforms, which ought ultimately to benefit even these people themselves, the hardships of their lives are not unduly aggravated, and to retain in their own hands a degree of control sufficient for their protection. They must not be sanctified to an undue desire to increase the powers of the Forest Officers or to enhance permanently the revenue of the department (Government Resolution No 130, dated 6th January 1876.)

Forests should primarily be for the welfare of the people.

261. Forest interests should be subordinated to the welfare of the agricultural population when there is any conflict between them (Government Resolution No 7796, dated 22nd December 1881)

262. It is both the duty and the best policy of the Forest Department to take the people with them in their measures, and so both to frame and to work their rules as to be as little burdensome as is convenient with the effective conservancy to those whose privileges cannot but be thereby to some extent curtailed. (Secretary of State's No. 15 (Revenue), dated 4th March 1880; *vide* Government Resolution No. 1818, dated 9th April 1880.) Forest Department should endeavour to carry the people with them in their policy.

263. Government desires to impress on the Conservators the urgent importance of arranging for the prompt supply of the requirements of the people. Persons in need of wood cannot usually afford to wait long for it, and if they are unable to obtain it within a reasonable time in a legitimate manner, the temptation to take it without permission will often be irresistible. (Government Resolution No. 968, dated 31st January 1885.) Prompt supply of the requirements of the people

264. Letter from the Government of India, Home Department (Establishments), No. 1435-1415, dated the 28th July 1913 :— Relations between Officers of Government and the people.

“ In paragraphs 673-674 of their report the Royal Commission upon Decentralization offered certain observations as to the necessity for taking measures to establish better relations between officers of Government and the people. This matter has been discussed frequently in recent years both in the press and elsewhere, and the Government of India are aware that in all provinces instructions for guidance of young officers in Indian etiquette have either been issued or are under preparation. The paramount necessity of displaying courtesy, tact and good temper in their dealings with the people with whom they are brought into daily contact has been more than once impressed upon all officers, European and Indian, both by local Governments and by the Government of India, and must be well known to all. But since the possession of these qualities has so significant a bearing upon the promotion of an officer and the lack of them constitute so serious a disqualification, the Governor General in Council desires again to impress the importance of the matter upon the Governor in Council and to inform him with the Secretary of State's concurrence that manifestation of grave defects of temper and repeated loss of self-control should be regarded as constituting inefficiency.

I am to request that these orders may be communicated to all officers serving in the Bombay

Presidency. (Government Resolution, General Department, No 6275, dated 26th August 1913)

CHAPTER XXIX.

EMPLOYMENT OF WILD TRIBES

Care in
the treat-
ment of
Bhils and
other
forest
tribes

265. With respect to Bhils and other ancient inhabitants of the forests, it cannot be too much impressed upon the Forest Officers that the forest regulations must be applied with judgment, and every occasion sought of winning over the forest tribes to the cause of conservancy, by not interfering with the rights that they have heretofore enjoyed, wherever such rights can be permitted to continue, and also by supplying them with regular occupation in the service of the department, so as in time to train them to settled habits. (Secretary of State's No 31 (Revenue), dated 25th June 1866, *vide* Government Resolution No 2768, dated 1st August 1866)

Employ-
ment of
wild tribes
as Rakh-
waldars

266. The proposals contained in the following extract paragraphs 3 to 5 of a letter No 1410, dated 3rd May 1879, from the Collector of Thana, relative to the employment of wild tribes as Rakhwaldars in the demarcated forests of the Thana District and assignment to them of waste lands in the area situated outside the limits of the forests in the district, were approved by Government —

"3 Under the scheme I would propose, a number of the wild tribes can be employed as forest Rakhwaldars to look after and preserve the demarcated jungles, receiving small rent-free holdings for service rendered. These holdings would be but small in area, and being given for service could not be alienated.

"4 Those not employed as Rakhwaldars should be allotted small holdings from the land to be excluded from the forest reserves in the list now under preparation. To these holdings, Bombay Act I of 1865 would not apply, and the holders should be charged a very low rate of rent, say from 2 to 4 annas per acre, but before being put in possession it should be clearly explained to them that any attempt to alienate, mortgage or otherwise dispose of their occupancy will involve its forfeiture. A *kabulayat* to the effect might also be taken, for, from experience of their improvidence, I know that so long as they are allowed any transferable or saleable right in land they are sure to part with it on the first favourable opportunity to a wily *savkar* or other *pāndherpesha*.

" 5. In the carrying out of this scheme the greatest care will be necessary to avoid inducing those of the wild tribes now tilling the land of or labouring for superior land-holders to desert their present occupation. Any such result would increase the number of these to be provided for and possibly cause culturable land to be thrown out of occupation " (Government Resolution No. 3525, dated 5th July 1879.)

267. It is desirable, as a matter of policy, that employ-
ment of a suitable description should be provided for the Bhils and that occupation should especially be furnished to those who have earned their livelihood wholly or in part by wood-cutting. This occupation can best and without difficulty be supplied by the Forest Department. The Bhils should, therefore, be employed by that Department as wood-cutters to fell and, if this course is practicable, to bring in the trees selected for the axe. It is the wish of Government that the Bhils should be employed to the fullest extent possible by the Forest Department, and that no opportunity should be lost of utilising Bhil labour and engaging them in the Forest operations which are most congenial to their tastes and mode of life and for which they are peculiarly qualified. Government must insist upon the grant by the Forest Department to the Bhils of employment to the largest practicable extent. It must be left to the Collector and the Conservator in consultation to decide how exactly this object is to be carried out, on what principle remuneration is to be given and how the work is to be allotted, and supervised, but the instructions of Government regarding the employment of Bhils must be complied with. (Government Resolution No. 1140, dated 24th February 1881.)

268. The practice of the Forest Department in Sind of obtaining the services of gangs of villagers for putting up Persian wheels, mending bunds, making clearings for plantations, putting up or mending fences, etc., and giving the men a feed in lieu of wages, is not only economical, but tends to secure the good-will of the villagers; and its continuance is sanctioned. (Government Resolution No. 2157, dated 1st April 1882.)

269. The attention of Government has been drawn to the condition of the Kolis of the ghâts by the criminal proceedings of outlaws of Junnar Taluka. Some general measure, such as was proposed in 1879-1880, to give employment to Ramosis and Kolis by enlisting them in a local corps would perhaps be the best solution to the chronic difficulty of the Police in preserving order among the Kolis, living on the ghâts.

but His Excellency the Governor in Council believes the reasons why these occasional outbreaks of lawlessness have always grown to some head before they are controlled, are to be found, next to heredity, in the poverty of the people. Unless they are induced to migrate, this poverty will increase owing to growth of population and forest conservancy restricting their cultivation and their means of getting wood to burn for manure or to sell. The attempt made in 1879 to get Kolis to migrate was in spite of every inducement offered, unsuccessful, and it is believed that they are not yet ready to adopt that remedy for their condition in any large number. As an immediate measure of relief the Governor in Council thinks that it would be well to spend a certain sum every year in the Akola, Junnar, Khed, and Mával Talukas on road-making. By this means their country would be opened up, the value of their crops and of the Government forest would be gradually increased, and they would be enabled to earn a little money for themselves and their families. It is not the intention of Government to make the expensive class of road which employs mainly skilled labour in its construction, but rather an inferior class with a view to the employment of unskilled labour in construction and repairs for a few years to come. This may not be easy in the ghát country, but the end sought is to give work as much as to open communications. The District Local Boards should be called on to assist (Government Resolution No 5616, dated 24th August 1887)

Bhils in the Dang. 270. Attention is directed to the following extract from the minute on the conservancy of the Dang Forests by His Excellency Sir Richard Temple, dated July 7th 1879.—

“Consideration should be had to the case of any Bhils who may be settled in the lands proposed to be taken up. Indeed it would be better not to propose lands where Bhils happen to be thus settled. But in fact it is understood that there are few, if any, Bhils thus settled, and that almost all, if not all, of them are migratory in their habits. If, however, there be any Bhil family settled within an area proposed to be reserved, then it cannot be moved without compensation in some form or other, or without some satisfactory arrangement being made. It may happen that individuals thus situated can be entertained as employés by the Forest Department, and so rendered content to live under its régime. At all events it must be understood that if any Bhil be found settled, he cannot be summarily removed against his will.”

(2) The Conservator of Forests should communicate Correspondence with the Political Agent on subjects connected with the political affairs of the Dangs in which he may consider interference necessary (Government Resolution No 5919, dated 24th November 1871.) Political Agent, Dangs.

CLASSIFICATION OF FORESTS.

(2)

(3) The history of the famines and droughts which have occurred during the present century, and especially in late years, is replete with painful accounts of the wholesale destruction of cattle by starvation and the failure of the fodder supply. It may be doubtful whether the loss which the agricultural population has thus sustained has always been fully appreciated. At a time when they have been deprived by a failure of the rains of a great portion of the produce of one or more seasons, they have also had

taken from them, in the destruction of their plough-labour, the means of recouping their loss in succeeding years. The late famine of 1877 has furnished many examples of this kind. Accounts have reached the Government of India of the serious deterioration of the agricultural prosperity of many tracts which, there is every reason to believe, would now be in a flourishing condition if the cattle could have been saved. On the other hand, instances have been brought forward in which the existence of a sufficient area of grazing land has, in districts most affected by drought, both preserved the cattle and secured the agricultural population from prospective loss.

(1) It is desirable at this point to explain that the term "grazing land" as herein used is not to be restricted to land which provides nothing but the ordinary pasture of a grass plain. Such land is often affected just as seriously by a drought as the unirrigated area of cultivated land. Grazing land is here intended to include those wooded tracts and jungles which provide bushes, trees, and herbs from which cattle can obtain a plentiful supply of fodder, even at times when the grass on open ground is dried up and destroyed. There are many trees and many bushes which, drawing upon a supply of moisture below the surface of the earth, can maintain their life and vigour when the shallow-rooted crops and grasses are parched and withered. And this is not all. It has also been ascertained that the grass itself which, on an exposed surface, would succumb to the drought is, in the cooler atmosphere occasioned by the shade and protection of trees and shrubs, saved from destruction.

As, moreover, there is, apart from the question of fodder, a distinct agricultural advantage in maintaining throughout the plains of Upper India a supply of wood for fuel and domestic purposes, the term used in the following paragraphs of this Resolution to designate grazing lands will be that of fuel and fodder reserves.

(5) A further effect of the absence of proper food after a period of drought is that the cattle, which have been starved for weeks, feed too greedily on the young shoots of the millets that are sown with the first showers of rain or on the coarse grass that springs up on the return of the monsoon. The excess of food to which they have been accustomed induces a rapidly fatal disease which has carried off thousands of animals in many parts of India.

(7) The examples to which reference has now been made are sufficient proof of the necessity of taking some action for the protection of the cattle of the country against drought. The facts brought forward seem to prove that at present the agricultural population will not or cannot themselves take sufficient precautions to provide against exceptional occurrences. They trust to accident or to assistance from the Government. But in this matter little or no help can be afforded unless systematic arrangements are made in advance, and continuously maintained under which a supply of fodder in a year of drought may be secured. It is necessary therefore, to consider in what form system and continuity can be most advantageously established, and it is on this point that the Government of India is mainly desirous of obtaining the advice and co-operation of Local Governments.

The general outlines of the scheme which commends itself to the Government of India as most likely to secure the desired results, and which from enquiries already made appears likely to meet with the most general acceptance, will be briefly described in the following paragraphs.

(8) The general control and administration of the measures with which this Resolution is concerned should be primarily in the hands of the local officers, *viz.*, the Commissioner, the District Officer and his subordinates in charge of sub-divisions. The official channel through which the Government would communicate with the Divisional and District Officers would be the Agricultural Department, which would be responsible for providing the Government with advice and information and for maintaining continuous action. The actual management of the lands set apart for the supply of fodder and fuel would be placed in the hands of the Forest officials, who alone can be expected to establish and maintain without interruption a scientific system of treatment.

(9) In order to satisfy the above conditions, it would be necessary, in each district or division in which operations are likely to be sufficiently extensive to require scientific management, that an officer of the Forest Department should, when financial circumstances admit of this being done, be placed under the orders of the District or Divisional Officer. He would work entirely under the orders of the Civil Officer, who would, however, refer questions of a professional or technical character for the advice of the Chief Forest Officer of the

province or circle. In many districts the necessary staff exists already but in others new posts will have to be created.

* *

It would indeed be extremely unwise to enter upon any expensive organization until much more experience and information has been acquired. It is only therefore for those regions in which grazing lands are disappearing at a rapid rate, or in which history has shown that drought causes extensive destruction of cattle, that any application for the services of special officials would at present be entertained. It will probably be considered sufficient if at first a Forest Officer is attached as Assistant to the Commissioner in one or two of the divisions in each province in which protection is most required.

(10) In the meanwhile the serious duty will devolve upon the District Officers of ascertaining how far the cattle need protection, and the extent of land, whether the property of Government or purchasable from land-owners at a reasonable price, which can be made available for fuel and fodder reserves. For this purpose an analysis of every district should be made by the local officials which will show its need for protection against drought, and the extent to which the land is available for fuel and fodder reserves. They may also be directed to enquire how land can be most advantageously secured for the required purposes in districts where a sufficient quantity of Government land is not available, how far the land-holders themselves or Local Boards will be able to co-operate with the Government in the matter, and at what cost suitable areas can be procured.

(11) The Agricultural Department will probably at present be most usefully employed in ascertaining by actual experiment, and in consultation with the Forest Department, what are the best means of bringing waste lands into a condition in which they can most economically provide a supply of fodder in a year of drought and in what way they can in ordinary years be most profitably employed. The Department would also superintend, in correspondence with Commissioners, the analysis required by the preceding paragraph, and would review for the Local Governments the reports received from each Division. The same Department may also ascertain whether any system of stacking hay or storage of fodder can be established, or whether it may not be useful to close grazing reserves for a portion of the year, especially when other fodder, such as the stubble of newly

reaped crops, is available. For, if grass reserves are only thrown open when no other food is available, the grass will have the requisite opportunity to make head, and will thus provide a much more ample supply of fodder than if exposed continually to desultory grazing. Enquiries of this kind will fall within the scope of the Agricultural Department.

(12) This Resolution is not the place in which the treatment of land required for conversion into fuel and fodder reserves can be considered in any detail. But the opportunity is taken to give expression to the opinion of the Government of India that little real good can be effected unless the reserves are, at any rate for some years, brought under the control of Government and systematically protected against the invasion of goats, cattle and fire. It appears to be a matter susceptible of proof that a protected area will, besides giving security in a year of drought, afford over a certain number of years a considerably larger amount of fodder than an unprotected area of equal extent. It seems probable that the difference is sufficiently great to admit of a hope that fuel and fodder reserves can, in a large number of instances, be made financially successful. The importance of this view deserves some further examination of the question. The following illustrations may therefore be adduced in support of the view which has now been brought forward. In his Administration Report for 1879-80 the Inspector General of Forests shows in the following words the results of protecting grazing lands :—

“ In all except the most arid tracts, or where denudation has been complete and of long standing, mere protection, aided by sowing and planting in suitable places, has the effect of gradually clothing the ground with trees and shrubs. What appears is this :— the old stumps and roots in the ground produce shoots ; seeds which have been lying in the soil, and seeds brought by the wind, germinate ; the shoots and seedlings, which without protection would have been destroyed by the fire or eaten by the cattle, grow up ; and wherever there are sufficient remains of the old forest growth in the ground the result is most remarkable. The difficulty consists in this— that new reserves must be formed, and that during the first few years this unavoidably entails some restrictions in the matter of grazing. At first the protection of the areas selected must be absolute and the people in the vicinity can neither be permitted to burn the grass nor graze their cattle in these areas.

But the grass which grows up abundantly can be cut, and thus furnishes abundant cattle fodder until the forest is sufficiently advanced to admit of grazing."

(13) In Ajmere the results of enclosing areas hitherto barren with the object of securing fodder for cattle in times of drought are already remarkable

After five years' conservation there is much in these forest reserves to encourage us; the appearance of the hills and country-side in these tracts is quite altered. The people even have begun to recognize the advantage to be obtained by the experiment we have introduced. We have been blessed with another year of plentiful rainfall; the undergrowth has become in places in Merwara nearly impenetrable, and in the ravines and valleys I have been surprised to see the number of fine young trees springing up. Our great enemy now is fire—*Ajmere Forest Report, 1879-80*

Grazing is strictly prohibited, but the villagers are allowed to cut and carry off the grass on pack animals. The cash receipts are at present small, but the benefits which the people indirectly enjoy from these reserves are very considerable

(14) Again, in the North-Western Provinces various experiments have, for three years, been conducted by the Agricultural Department, with the view of reclaiming *usar* or *ich* land, i.e., land rendered more or less unculturable by the excess of salts in the soil. It has been found that the simple expedient of enclosure is more efficacious than any other operation. The natural grasses which, so long as the land is accessible to cattle and goats, are nibbled down as fast as the young shoots appear, spread in the enclosed areas at a rapid rate over the worst land. After two years' experimental cuttings gave a result of 20 maunds of good hay per acre—an output which on a square mile would suffice to feed 1,000 cattle for three months, exclusive of the bushes and trees, which, there is good reason to believe, can be grown when once the grass is well established.

(15) The terrible devastation caused on unprotected land by sheep, and the impossibility of recovering forest and undergrowth once lost so long as the land is exposed to the grazing of sheep, is forcibly brought out in a late report by Mr Boppe, Inspector of Forests, on the forests of Scotland. His remarks on the greater value of land for purposes of grazing after enclosure are, in connection with the suggestions made in paragraphs 11 to 13 of this Resolution

especially deserving of notice. The present barren condition of the greater part of the waste lands of Scotland is attributed by Mr. Boppe almost entirely to one animal—the sheep. There is very strong ground for believing that the goat, which may be said to take the place of the sheep in India, has been the one chief cause of the present barrenness of large tracts of country in Northern India.

Extensive areas now bare are known to have been once covered with a rich growth, if not of forest, still of scrub and grass that would, if not destroyed, have formed a rich pasturage; animals may not have been the original cause of the disappearance of the vegetation, but they have been the constant cause which prevents renewed growth. No more striking instance, indeed, of the effect of the natural recovery which ensues when goats and cattle are excluded can be found than in a comparison between those hills in Ajmere which have for four years only been enclosed and those which have remained open to goats and cattle during the same term. The first are covered with an almost impenetrable thicket chiefly composed of shoots edible by cattle. The second are practically devoid of all vegetation, and appear to be mere heaps of rock and stone.

(16) If the conclusions indicated by the facts and arguments adduced in the preceding paragraphs can be accepted, the objection which has not unfrequently been brought forward to the occupation of grazing lands on the score of the inconvenience suffered by the adjacent population in being deprived of their cattle pasture, is greatly diminished. The occupation is only temporary. The inconvenience which is temporarily occasioned to the agricultural population is due to their own action in diminishing the efficiency of their grazing lands by an improper use of them. The Government propose to do no more than restore and, if possible, to increase the efficiency which has been lost. The measure contemplated will, it is believed, result in a future supply of fodder which will be far larger and far more certain than that of which the owners of the cattle have been deprived. In this view it may be even found desirable to attach for conversion into fuel and fodder reserves, land which has been broken up under the plough, but which as fodder reserves would be more profitable in preserving cattle from starvation than in growing crops which are subject to failure in a year of drought. (Government of India, Revenue and Agriculture, No. 16-A, dated

1st March 1883 ; *vide* Government Resolution No. 2515 of 28th March 1883.)

272. The following extracts are given from the Government of India Resolution No. 17-A-105, dated 15th July 1891 .—

basis of
tripartite
classification.

1. In their Resolution No 16-A, dated 1st March 1883 (*vide* preceding article), the Government of India asked for the advice and co-operation of Local Governments as to the action which should be taken for the better protection of the cattle of the country during seasons of drought, and at the same time indicated the general outlines of the scheme which appeared most likely to secure the desired result

2. This scheme, while seeking to encourage the people to store more carefully the grasses produced in their fields, and, where possible, to store hay, had for one of its principal objects the extended growth and reproduction of the fodder trees and bushes on which Indian cattle are so largely dependent for food supply in years of scarcity. The question was asked whether, in some cases, land could not be purchased for the above purpose and information was called for which would indicate how far the cattle in each district required protection, the extent of waste land available and the best means of managing any land which could be set apart for the purpose.

3. The Government of India are convinced, from a perusal of the reports received, that the subject deserves to be further analysed, and studied in greater detail, before it is safe to draw any final conclusions

Three
classes of
land.

4. The lands of each province may, for the purpose of this Resolution, be ranged under three classes, viz. :—

- 1 Cultivation.
- 2 { Pastures
Fodder Reserves.
- 3 Forests, properly so called.

Extension
of culti-
vation.

5 The Government of India accept the proposition that no impediment should be offered to the extension of permanent cultivation wherever the welfare of the agricultural communities demands it. It is only in cases in which the expansion of arable land is less profitable or—unless protected by a sufficient area of pastures, fodder reserves and forests—is unsafe, that restriction is required. While it is true that in some richly irrigated tracts no grazing or fodder reserves and but few forests are required, and that

it is more profitable to grow what food the cattle may require in the cultivated fields and to import timber and other forest produce needed by the population, it is equally true that in other less favoured localities the profitable continuance of agriculture depends upon the existence of grazing lands, of fuel and fodder reserves or forests.

6. It must first be considered to what extent "pastures", "fodder reserves," and "forests" are required in each locality in order to meet public wants and to secure the proper protection of agriculture or the full efficiency of agricultural operations; and an analysis of each district should be made in special regard to this question.

Proportion of various classes of forests required in different localities.

7. The next question is that of the management of areas brought under treatment in each class. The principle which applies to all of them is that they should be permanently maintained in such manner as to provide a maximum benefit to the adjacent population at a minimum cost to the State. Their management must therefore be conducted on mercantile principles, so far as these are consistent with full regard to proved and acknowledged rights. With this proviso, the produce of the areas taken under management should be disposed of at market rates to be fixed from time to time with due consideration of the local demand and supply, and any other circumstances affecting the value of the produce.

Management of the various classes.

8. By *pastures* are meant grazing lands, from which cattle, including sheep and goats, are not to be otherwise than temporarily excluded but which are to be brought under a definite system of management. What that system should be is a question which requires enquiry and perhaps experiment in each locality.

Definition of pasture lands.

In some cases it may be found necessary to close lands selected as pastures against grazing during part of the year opening them only when the annually recurring scarcity of fodder begins; in others a longer period will be required for the recovery of the grass, while in certain tracts it may be found expedient to divide the pasture lands into blocks opened in rotation, in which the number of cattle admitted will be restricted in accordance with the supply of grass by the imposition of sufficiently high grazing fees or otherwise.

The methods to be adopted will, however, vary from district to district, and the Government of India are content at present with an expression of their desire that an investigation should be set on foot and continuously maintained,

and that the responsible authorities should not, on the recurrence of a fodder famine in any district or tract, be exposed to a charge that the requirements of the locality, in connection with the maintenance of a fodder supply, had not been seriously investigated and considered in each case. It is hardly necessary to add that the system of management should be such as to exclude, as far as possible, all interference on the part of subordinate officers.

Definition
of Fodder
Reserves

9. *Fodder Reserves* are lands in which, while the yield of grass is unimpaired the growth of fodder other than grass, e.g., bushes and trees edible by cattle, is promoted and which must, for the attainment of this object, be, except in years of great drought, absolutely closed against grazing, the fodder being cut and collected. Their future treatment requires observation and study.

Object of
forming
Fuel and
Fodder
Reserves.

The advantages of such reserves are that, under proper treatment, the average supply of fodder whether in form of plants, trees or grasses, is larger than under the system of open grazing; that a judicious system of supplying leaves and lopped branches to cattle will maintain a continually increasing supply of fodder without injuring the bushes or trees; that the grass will, in the form of hay or cut fodder, produce annually more food than if grazed during the period of growth; that in years of extremity when cattle are admitted to the reserves, fodder, bushes and trees, being able to stand long continual drought, offered a supply of food upon which the cattle can fall back when grasses and more shallow rooted plants are burnt up by the heat; and finally that the grasses themselves will be cut and stacked so as to form a store of food when the growing vegetation in the open grounds has been exhausted.

Definition
of Forest
Proper.

10 By *Forests proper* are meant lands which have been set apart primarily either for the production of timber, fuel and the other products of tree growth, or for the protection of hill sides, but forests may also be constituted and maintained for other cognate purposes connected with the public welfare. In many cases their importance is felt beyond their immediate neighbourhood, within such limits as it is possible to transport timber or other trade produce from them with profit; but they may also serve to supply the surrounding agricultural population with fuel, small building and other wood, grass and minor produce, and in some cases with grazing land. It is important that, consistently with a rational treatment, under which they fulfil the primary

object for which they are set apart, forests should be made to supply the needs of the adjacent residents to the utmost extent.

11. The enquiries and investigations called for under this Resolution form part of the agricultural analysis which, in the 9th and 10th paragraphs of Resolution No. 6—340-50-G., dated 8th December 1881, Agricultural Departments were required to institute. It was there laid down that Agricultural Departments should, district by district, ascertain the causes which, especially in years of drought, had tended to interfere with "agricultural efficiency", and that, when those causes had been ascertained remedies should be suggested and, where possible, provided. The instructions contained in the paragraphs above-quoted have not, in some Provinces, been sufficiently understood or carried into effect, and the Government of India take this opportunity of requesting that a serious commencement may now be made by Agricultural Departments in setting on foot, in each district, in communication with Revenue and Forest Officials, the agricultural analysis contemplated in the Resolution of 1881 so far as it includes the provision of an adequate grazing and fodder supply.

12. The question of increasing the area of wood land, in connection with the general improvement of agriculture and the increase of the manure supply, is one which it will be necessary to bring under further discussion on receipt of the final report from Doctor Volcker, the Consulting Chemist, to the Royal Agricultural Society of England. In the meantime attention is directed to the remarks on the subject contained in Doctor Volcker's Preliminary Report, which was distributed with Circular No. 2—26—4-A., dated 30th January 1891.

13. It is in the opinion of the Government of India advisable for convenience of administration that all lands set apart for special treatment as pastures, fodder reserves or forest proper should, so far as the law permits, be placed under the forest law as "Reserved Forests", but it should be understood that it is not necessary that because an area is constituted reserved forest, it must be managed for the purpose of producing trees or placed under the control of the officers of the Forest Department. The method of treatment of such lands and the arrangements of their control must be regulated entirely by the local authorities, with whom remains

the power to determine the agency and system of management. (Government Resolution No. 6810, dated 5th October 1891)

Tripartite classification of Forests 273. The forest policy of the Government of India has assumed a fresh development of considerable importance

The necessity of dividing off areas into classes, and of according a different method of treatment to each class, is recognized. The division contemplated is:—

Pastures (a) Pastures or grazing lands, from which cattle, including sheep and goats, are not to be otherwise than temporarily excluded, and in regard to which the system of management is to be such as will exclude, as far as possible, all interference on the part of subordinate officers

Fuel and Fodder Reserves. (b) Fodder Reserves which, except in years of great drought, are to be absolutely closed against grazing the fodder produced being cut and collected

Forest proper (c) Forest proper, i.e. land set apart primarily for the production of timber and fuel and the other products of tree growth, but which may also serve to supply the surrounding agricultural population with fuel, small building and other wood, grass and minor produce, and in some cases with grazing lands. Attention is drawn to the importance of making forest proper supply the needs of adjacent residents to the utmost extent possible, consistent with a rational treatment, under which they will fulfil the primary object for which they were set apart and in paragraph 13 words of caution are added that "it should be understood that it is not necessary that because an area is constituted a reserved forest it must be managed for the purpose of producing trees, or be placed under the control of the Officers of the Forest Department".

Orders for the introduction of the tripartite classification of Forests. In calling thus particularly the attention of the Revenue and Forest Officers to the above orders, the Governor in Council is pleased to direct that they should make for each district the analysis mentioned in paragraph 6 of the Government of India Resolution, No. 17—105, dated 15th July 1891 [read last article] and they should divide the areas included in reserved forests into the three classes contemplated. The best way to do this is that they should, in consultation, first select and set apart lands for treatment as *forest proper*, as described in paragraph 10 of the Resolution. They should then proceed to divide the rest between "Pastures" and

Fodder Reserves". The Governor in Council regards this as a very important piece of work, and one which demands the most careful attention of all District Officers. If the division and classification of forest areas are wisely carried out and if pastures are managed mainly and primarily for the support and therefore the production of stock, and not with the main object of producing revenue from grazing fees. Government believe that much of the unpopularity that now rests on forest arrangements will be removed. The beneficial effect of these orders will be nullified, if areas which could only produce a saleable growth of underwood by protracted closure, but which are really required for grazing purposes, are included in *forest proper*. Each class of forest land should be specially treated for the purpose it is intended to serve, and a minimum of interference by subordinate officers with the areas set apart for pastures or grazing lands and with the people using them should be enforced.

As regards the question of management of pastures and fodder reserves raised in this Resolution, the Governor in Council desires that the views set forth in paragraph 9 of Government of India Resolution No. 16-A., dated 1st March 1883 [read paragraph 9 of Article 271 and rule 8 under Article 208], should be fully adopted in this Presidency. The position of Conservators should be that set forth therein. They should be consultative officers who would give their advice and opinions on questions of professional and technical character referred to them by the Collectors and Commissioners, but they should not attempt to direct or control District Officers of the Revenue or Forest Departments in the performance of their duties of management. In that matter there should be no division of responsibility, and the system of management should be that described in paragraph 9 of the Government of India Resolution No. 16, dated 1st March 1883. (Government Resolution No. 6840, dated 5th October 1891.)

274. 1. *Forest proper* should be limited to areas which it is desirable to keep under scientific departmental management with a view *primarily* to the preservation or creation of timber or fuel growth. Outlying tracts which are wanted for scientific development should not be included in forest proper merely because they contain a certain quantity of bush or tree growth which can be protected sufficiently for local needs by occasional closure and such simple measures of conservancy as are within the competence of the Land

Revenue Department. Nor on the other hand is it necessary that patches in the middle of tracts generally suitable to be classed as forest proper should be thrown out because they happen to be comparatively bare. In the same way, promising plantations occurring in the midst of tracts generally classable as pasture may be left to be put under suitable management by the Collector without classifying them especially.

Importance of growing forest in treeless districts.

2. In treeless districts the enormous importance of erecting a growth of trees and bushes for climatic reasons, to check denudation of the hill-sides by scour, to supply vegetable mould and soil and to meet local demands for building material, firewood, etc., must be fully borne in mind. His Excellency the Governor in Council is at the same time of opinion that if real and rapid progress towards the attainment of this object is to be made without an altogether disproportionate amount of friction and hardship, it must be by concentrating effort to begin with on a suitable number of comparatively small plots selected where the conditions are least unfavourable, and where careful artificial treatment can be applied with some chance of a tolerably quick response. These plots would serve as object lessons to the people and as centres of gradual development. To attempt to deal with tracts so large that the treatment is practically limited to keeping out cattle, more or less completely, and trusting to nature to do the rest, is costly to Government, irritating to the people and, where the denudation has passed a certain limit, so slow in producing results as to be practically ineffectual. If this principle is followed, it is probable that a very large proportion of the land now supposed to be under reboisement in the Deccan districts may be classed for the present as pasture, and the forest establishment employed on it set free to deal effectually with a more manageable task.

Lands which should be classed as fodder and fuel reserves

3. The class of *fodder and fuel reserves* will be practically limited to existing kurans and plantations with possibly a few additions in places where they are wanted and the conditions are suitable. No land which does not produce grass of good quality of a head suitable for cutting should be reserved. Usually, of course, the quality of the grass will be estimated with reference to its suitability for *fodder*, the coarse description which cattle will not eat being excluded. But where there is a special growth of any particular variety of grass or rush, valuable like munj grass in Sind, for other

purposes, such as thatching, basket work, matting or tatties, which seems likely to disappear if not protected, it may be desirable to establish a reserve.

4. *Pasture* should include all reserved land not taken *Pasture* under one of the other two heads.

Note—Since this Resolution was issued the classification of the Deccan forests into Forest proper, Fuel and Fodder reserves and Pasture lands, has been completed on these lines

5 As regards management, the chief points for consideration should be—

Management of fuel, fodder and pasture areas

(a) What measures for the preservation and improvement of the grazing in pasture are desirable and practicable, i.e., what is to be the system of management in a technical sense?

(b) By what agency can they be carried out, i.e., what is to be the system of executive control?

6. As to the first point Government consider that a *System of general annual closure*, however short, is to be deprecated, though it may possibly be found indispensable in particular localities. A division of the land into blocks, to be entirely closed in such period of rotation as may afford the closed block the longest practicable interval for recovery, seems to be the best principle, provided that the blocks are sub-divided and situated so that every village shall always, as far as possible, have an open block within easy reach. Rotation of closure may not, however, be equally practicable or necessary everywhere, and it may be advisable to supplement it by, or where it is not practicable, to substitute for it, precautions against overgrazing by restriction of the numbers of cattle admitted such as are contemplated in the grazing rules, or in such other shape as local conditions may suggest as most suitable. In the opinion of His Excellency the Governor in Council it would be a good thing if it could be arranged to limit the recovery of fees for grazing as much as possible to areas where the grazing is worth paying for, leaving the rest free, instead of fixing them on the cattle, irrespective of where they go and what they get, and to substitute voluntary arrangements with the villagers where possible, for restrictive rules.

7. As to the second point, it seems possible that much of the work of collecting grazing fees might be done with less friction by the Kulkarnis and Pátis than through forest subordinates, and it has been suggested that the services

Collection of grazing fees.

of Mhars, Jaghiars, Bumias, Puggis and other inferior village servants might be enlisted in the cause of checking cattle trespasses by giving them a percentage on the pound fees, so that the forest staff might be spared for other more legitimate duties, except for the month or two when the fees are being collected. The suggestion seems worth considering. Care should, however, be taken that the interest given to these Mhars and village servants is not such as might lead to their abetting or encouraging trespass in order to make something out of the pound fees. Much of the impounding is alleged, as it is, to be due to the wilful neglect of the Patils and Kulkarnis to warn the people to take out passes and see that they are sent with the cattle into the forests for fear of reducing their own share of the pound proceeds. But this difficulty might possibly be got over by giving the Patil and Kulkarnis a small percentage on the grazing fees, and a small payment for the fee-passes where the system of management adopted involves the issue of such documents. The possibility of reducing establishments by spending a little money on hedging or fencing the chief points of access to closed tracts, should also be borne in mind. One man with a little hedging to assist him where it is most needed, could do more than half a dozen without, and the annoyance of constant impounding would be lessened. (Government Resolution No. 6702, dated 15th September 1893.)

Rectifica-
tion of
errors
or petty
changes in
sanctioned
classifica-
tion of
forests

275. The Commissioners of Divisions are empowered to sanction the rectification of errors or petty changes in sanctioned classification of forests in cases in which Revenue and Forest Officers agree to the proposed rectification or change and the area affected does not exceed 100 acres. (Government Resolution No. 11221, dated 7th December 1912.)

Conver-
sion of
Protected
Forests
into
Reserved
Forests

276. The Governor General in Council has noticed with pleasure the gradual conversion into reserves of such protected forests as it is not considered necessary to disforest. The constitution of protected forests was eminently useful at the outset of a separate forest administration, in order to provide at once for a limited protection of Government forest lands until a decision could be arrived at as to what areas should be maintained permanently as forests. But it now seems evident that there is no practical necessity for the creation of two classes of demarcated state forests having regard to the complete and searching character of the enquiry and settlement made. (Government Resolution No. 1747, dated 31st July 1886.)

277. Generally land commanded by tanks and canals should not be included in the forest area. It would obviously be inexpedient to curtail the extent of land which can be irrigated for cultivation from water-works carried out by Government at great expense. The Forest Department has sufficient scope for its energies in afforesting the slopes of hills and land not suitable for cultivation, and it is from the afforesting of these lands, and not low-lying lands which are capable of being irrigated and of producing valuable crops, that an improvement of the climate may be expected.

This above ruling does not apply to Sind, it being intended to apply to the Deccan only. In Sind the question of granting for forest purposes land which can be irrigated from water works carried out by Government at great expense, is not one which can be dealt with generally, and each application for such land must be decided on its merits (Government Resolutions No. 1609, dated 21st February 1881, and No. 3909, dated 15th May 1884.)

278. It is inexpedient to reserve for forest purposes small isolated numbers immediately adjacent to village sites. It is also, as a general rule, objectionable to maintain as reserved forest, solitary small patches of land in the midst of cultivated ground; but in an arid, treeless taluka like Sholapur it is of great importance to promote to the utmost possible extent the growth of timber and vegetations and where blocks of land of fair size are not obtainable, even small reserves will prove of benefit. (Government Resolution No. 5189, dated 27th June 1881)

279. Land on the banks of the rivers should, as a rule, be retained in forest. (Government Resolution No. 4410, dated 5th July 1888)

280. Forest reserves are necessary in Sind, just as they are elsewhere. Indeed, there is an additional reason for their maintenance in Sind which does not exist in other parts of the Presidency, in the fact that hitherto the bulk of the fuel consumed on the Indus Valley State Railway has been firewood from the forests. But when the question is where new forests should be formed, it is for consideration whether the land can be spared, whether it cannot be more profitably and advantageously used for agriculture, whether if irrigation is necessary for the growth of the trees the water can be supplied without unduly curtailing the quantity required for the crop cultivation, and whether there are any

special reasons either for or against the creation of a particular reserve. Each case would need to be dealt with separately and on its own merits. Not unnaturally one of the main objects of officers of the Irrigation Department is to show the largest possible returns in hard cash from the canals under their management, but charges for water furnished to the Forest Department can be debited to that department and credited to the Irrigation Department, and the Irrigation Officers are apt to forget that a larger net revenue may in certain circumstances be derived by Government from, say 500 acres of forest than from 500 acres of land under ordinary cultivation by occupants. In the case of forests in rainless tracts which require irrigation for the growth of the trees, the course suggested in the memorandum of the Superintending Engineer for Irrigation in Sind, No 1139, dated 23rd May 1885 (paragraph 2*), and paragraph 5† of the Commissioner in Sind's Report No 4162, dated 13th November 1885, could apparently be followed with advantage. (Government Resolution No. 9766, dated 3rd December 1885.)

* "2 It seems to me, however, that there may at certain seasons be water running to waste, and as it probably does not matter very much when reserves are watered, that it would be feasible to turn waste water into such channels as the Forest Department may be able to borrow or to construct and on such terms as Government may order for the irrigation of reserves already in existence."

† "One thing must not be forgotten, if the railway is to burn wood, fuel reserves near the line of railway must be maintained, and there can not everywhere or indeed except on the river bank be maintained without canal water. If the Forest Department is a necessity at all in Sind, its reserves should be watered. Water is not required at all times, and one good watering when water is not required for other crops would probably in many cases suffice for forest purposes. The officers of the Canal Department should arrange to provide this. At the same time the Commissioner sees no reason why (according to a liberal scale) the water supplied to the forests should not be paid for in the case of works classed as Productive Public Works."

PART IV.
Constitution of Forests.

CHAPTER XXXI.

ACQUISITION OF LANDS FOR FORESTS.

281. Whenever the Forest Department propose to take up lands for forests, the application should invariably be forwarded, in the first instance, to the Collector of the district, who should submit the matter with his opinion thereon to the Commissioner of the division. The opinion of the Collector should always be given fully.

Government look to the Collectors, who are in a better position to judge than Forest Officers, that in no instance is more money given by Government for the rights of occupancy of its own land than is absolutely necessary. (Government Resolution No 1653, dated 26th March 1879.)

282. It is not desirable to bring into operation the provisions of the Land Acquisition Act in order to secure land for forest, except in special cases when the acquisition of the occupied land is urgently needed. It is undesirable to employ the Land Acquisition Act for the purpose of acquiring land to round off a forest block which is intended to be classified as pasture. (Government Resolutions, Financial Department, Nos. 3530, dated 30th December 1887, and 3950, dated 21st December 1888; Government Resolutions Nos. 2483, dated 30th March 1889, and 9019, dated 16th November 1892.)

283. Applications to take up land under the Land Acquisition Act should invariably be forwarded to Government by Collectors in the Presidency proper, through the Commissioners. It should be invariably stated by what agency the work for what the land is required is to be carried out. (Government Letter No. 2394, dated 7th June 1865.)

284. In all cases in which it is proposed to purchase lands for forests, the Divisional Forest Officer should submit the application to the Forest Settlement Officer in the first instance for opinion. (Government Resolution No. 1045, dated 7th February 1883.)

Land should usually not be leased or occupied by giving forest rights

285. If Government occupied lands are required for forests, they must be acquired in the usual manner. The process of acquisition of all the area needed may be gradual and long, but this is preferable to securing the land by either paying rent for it on a lease, or giving for it certain forest rights (Government Resolution No. 5858, dated 20th July 1885)

Procedure to be followed in acquiring land under the Land Acquisition Act

286. No land can be taken up under the Land Acquisition Act until a declaration has been made and published by Government under section 6 to the effect that such land (describing it) is needed for a public purpose. Under section 7 the appointment of a Collector or Special Officer to take order for the acquisition of the land should follow and not precede such appointment (Government Resolution No 7440, dated 5th October 1883)

In the absence of an agreement, possession of land should not be taken except where it is permitted either under the orders of Government issued in conformity with the provisions of section 17 of the Land Acquisition Act or in due course after an award has been made under section 16 of that Act. (Government Resolution No. 4251, dated 10th May 1910. Revenue Department)

Collectors have no power to transfer lands to forests

287. Collectors cannot without the sanction of the Commissioners and Government, transfer lands to the Forest Department (Government Resolution No. 6160 dated 14th December 1878)

Powers of Commissioner to purchase land

288. Commissioners are authorised to sanction purchase of lands, the inclusion of which in forests has already been approved by Government, provided there is a budget provision to meet the expenditure proposed to be incurred in each case. (Government Resolution No 1609, dated 27th February 1883.)

Power of Collectors to sanction use of Forest land for another Government purpose

289. All Collectors (including the Collectors and Deputy Commissioners in Sind) are authorised to sanction the use of Forest land for another Government purpose up to a limit of five acres without reference to Government, if the Conservator concerned has no objection. The sanction of the Commissioner should be obtained when the area exceeds that limit (Government Resolution No 6173 dated 29th June 1908)

Land so used need not be disforested

290. Where a piece of land is to be diverted from ordinary forest purposes, it need not be disforested if it is to remain in charge of a Government Officer or Department

and to be used for Government purposes, but it should be disforested if it is to be used by the public (Government Resolution No. 11627, dated 16th November 1908)

291. In order to regulate the procedure for obtaining permanent or temporary use of land and for disposal of it when no longer required by the Department the following principles are laid down for the guidance of the officers concerned.—

- (1) When land is required by any Department—
 - (a) for permanent use or
 - (b) for temporary use lasting for a period exceeding three years or
 - (c) for temporary use not exceeding three years but such that the land so used is likely to be spoiled permanently for agricultural purposes,

it should be acquired at once under the provisions of the Land Acquisition Act, I of 1891, in accordance with the orders conveyed in Government Resolution No. 7751, dated 25th September 1905. After the acquisition proceedings are completed, the land will vest in the Department concerned and should be retained by it if it is wanted or used for any work belonging to the Department. As soon as the Department does not desire to retain possession of the land or ceases to make any use of it, it should be transferred to the Revenue Department for maintenance or disposal.

- (2) When land is required temporarily in cases other than those specified in sub-clauses (b) and (c) of clause (1) above, the head of the Department concerned or his representative should, where the owner agrees to allow the use of his land on reasonable terms, make an agreement with him in writing, if possible, stating the terms on which use of the land is obtained from the owner. This course should ordinarily be possible, and would generally save trouble and correspondence. But where it is impossible or for some special reason undesirable, the provisions of the Act for the acquisition of land should be applied (Government Circular No. 10082 of 20th August 1917.)

292. For the procedure for the payment of compensation for land taken up for public purposes under the Land Acquisition Act read Appendix C of the Civil Account Code. (Government Resolution No. 4421, dated 9th May 1913.)

293. For rules regarding alluvion and diluvion owing to changes in the course of the river Indus or other waters

alluvion and diluvion in Sind in the Province of Sind see pages 95 to 100 of the Revised Manual of Commissioner in Sind's Special Circulars (edition of 1917) and pages 507 to 509 of Satho's Land Revenue Code.

CHAPTER XXXII.

SETTLEMENT AND DEMARCATION.

(1) SYSTEM OF FOREST SETTLEMENT ADOPTED IN THE BOMBAY PRESIDENCY.

Outline of settlement procedure in force in the Bombay Presidency

294. The system of Forest Settlement adopted in the Bombay Presidency is as follows—

(a) The settlement work is carried on chiefly by special officers belonging to the Civil Service, who are relieved of all duties and are deputed upon forest settlement work alone

(b) In a few cases the Assistant or Deputy Collector in revenue charge of a táluka is Forest Settlement Officer in respect of that táluka and performs the Forest Settlement work in addition to his ordinary revenue and magisterial duties

(c) The Collector of the District is generally appointed under section 16 of the Indian Forest Act, No. VII of 1878, to hear appeals from such orders as the Forest Settlement Officer in his Collectorate may pass under sections 10, 11, 14 or 15 of the Act.

(d) In Collectorates in which forest reservations have not been completed, the Forest Settlement Officer, who is invariably in such cases an Assistant Collector, is appointed Demarcation as well as Settlement Officer, and it then becomes his duty to arrange, in personal communication with the Forest Officer in charge of the District, what lands are required to be finally maintained as forests under the Forest Act, each táluka of a Collectorate is taken up in turn and demarcated, and in this manner complete selections of lands for forests are made. Lists of these lands are prepared and the latter are entered upon the map of the táluka in distinguishing colours and a report containing among other matters the recommendations of the Demarcation Officer, made in his executive capacity, as to the privileges which may be allowed in the lands when they have been constituted forests, is drawn up. These documents are then submitted to the Collector of the District by the Demarcation Officer. If any settlement work

has been completed the results are embodied in the demarcation report, which in that case becomes a demarcation and settlement report. The Collector criticises the proposals and records his opinion, and the papers then pass to the Conservator of Forests of the Circle, who attaches his remarks and transmits all the documents to the Commissioner of the Division. The Commissioner, after recording his views, submits the papers to Government for final orders. The demarcation lists comprise:—

- (1) Lands already forest.
- (2) Government waste land.
- (3) Occupied lands or alienated lands which are to be acquired.

The Forest Demarcation and Settlement Officer is invested by Government with special powers for the acquisition of occupied lands. Some of these lands are purchased by payment of such compensation as the Demarcation Officer and the occupant may jointly agree to. Others are obtained by exchange, waste lands being given in their place, and sometimes the Demarcation Officer remits, for one, two or three years, the assessment upon the new lands to be given in exchange for the occupied lands to be included in forests. (Government Letter No. 3150, dated 23rd April 1883, to the Government of Madras.)

295. While it is conceivable that circumstances may exist under which, as a transitory measure, it might be preferable to declare forests to be protected, their constitution as reserved forests must be the aim of administration. (Government Resolution No. 6731, dated 9th September 1899.)

(ii) POSITION OF A FOREST SETTLEMENT OFFICER.

296. The Forest Settlement Officers should submit their diaries to the Conservator of Forests in charge of the Circle in which they are employed. (Government Resolution No. 4072, dated 30th May 1883.)

297. Neither Forest Settlement Officers nor their establishments are under the control of the Conservator, but as he is responsible for expenditure debited to the head

with
Conservator

of forests, he should countersign the salary and travelling allowance bills of the establishments of Forest Settlement Officers. As these establishments are not subordinate to the Divisional Forest Officers, the bills need not be submitted through these Officers. (Government Resolution No. 4018, dated 19th May 1885)

Forest Settlement Officer's position is solely that of a Judge

298. However valuable and useful the suggestions and advice of the Forest Settlement Officer may be, both to the Forest Department and to the District authorities, in connection with the administration of Forest lands, it is not constitutionally any part of that officer's duties to submit to the executive authorities official recommendations which relate to the executive management of forests. His position, in proceedings affecting reservation under the Forest Act, is solely that of a judge. In this capacity he has the power to determine the rights of the State and of the people in certain forest areas, to provide for the exercise of adverse rights, to regulate them or to extinguish them; and the Government of India would prefer, both for administrative and financial reasons, that the official action of Forest Settlement Officers should be confined to performance of these duties. (Government of India, Revenue and Agriculture No. 651-F, dated 6th June 1891, *vide* Government Resolution No. 4560, dated 6th July 1891)

Collectors and their assistants should co-operate with Forest Settlement Officer

299. The Collectors and their Assistants in charge of talukas are to the utmost of their powers to co-operate with the Forest Settlement Officer so as to facilitate the progress of his settlements and prevent undesirable delay in their completion. (Government Resolution No. 4576, dated 30th August 1879)

Forest Demarcation Officer should consult Divisional Forest Officer

300. It is essential that the Forest Settlement Officer should, when preparing the demarcation scheme, work in consultation with the Divisional Forest Officer. (Government Resolution No. 17, dated 1th January 1889)

Duties of District officers with regard to Settlement

301. District Officers should consider it to be their duty to bring to the notice of Forest Settlement Officers the existence of any rights likely to be overlooked. (Government Resolution No. 9305, dated 24th November 1884)

(11) DUTIES OF A FOREST SETTLEMENT OFFICER

Proclamation by

302. The proclamation by the Forest Settlement Officer under section 6 of the Indian Forest Act, 1878, for lands

proposed to be constituted reserved forests under section 4 of the Act, should be as simple as possible and follow the order of the heads (a), (b), (c). Under (a) the whole extent of the reserve should be indicated in general terms, and afterwards the particular numbers taken up in each village should be specified in the proclamation for that village. Under (b) the consequences appear to be those set forth in sections 22, 23 and 25. (Government Resolution No. 4310, dated 18th August 1879)

303. The proceedings of Forest Settlement Officers under sections 7 and 10 of the Forest Act should be full and formal, following the forms of procedure in civil suits. They should, of course, regard the contention of Government in reliance on the opinion of the Legal Remembrancer as the case of one party to a suit. (Government Resolution No. 8138, dated 16th October 1885)

304. As regards inquiries by Forest Settlement Officers into rights, it is sufficient if full and clear notice is given as required by the Forest Act. It is no part of the duty of these officers to hunt up imaginary claims for decision or to put up people to making claims they never dreamt of. As a British Officer the Forest Settlement Officer will of course take care that no stupid, ignorant man is injured by his claims not being considered, but beyond this he is not required to go. (Government Resolution No. 409, dated 17th January 1883.)

305. As regards privileges, a Forest Settlement Officer may make such recommendations as the circumstances seem to him to justify or necessitate, but the question of privileges must be kept entirely separate from that of rights, and no rights should be admitted except those which are satisfactorily established. It cannot be allowed that the fact that certain rights have been proved or admitted in certain talukas furnishes of itself sufficient evidence or authority to warrant a Forest Settlement Officer in ruling that those rights must be granted in other talukas. The Forest Settlement Officer is required in each case to take the facts as he finds them and to admit rights only where he finds their existence proved. He cannot admit rights in one taluka simply because they have been admitted in another. (Government Resolution No. 2051, dated 12th March 1883)

306. It is the duty of the Forest Settlement Officer to enquire into the existence of rights of way as well as any of other rights, even if they are not claimed, and necessarily

to define in his proceedings whether they are public or private, high roads, cart tracks or bye-paths. No right of way thus defined and admitted can be afterwards stopped without the previous sanction of the Local Government and until a reasonably convenient substitute has been provided. The provisions of the Act are most distinct and careful, and His Excellency in Council desires that they may be most strictly followed by all officers concerned in forest settlement and management. Any vexatious and illegal interference with forest rights or rights of way in forests will be visited with the severest displeasure of Government. (Government Resolution No 3112, dated 31st May 1881.)

Particulars to be recorded in awarding rights of way

307. In awarding rights of way the following particulars should be recorded under the following distinct heads by Forest Settlement Officers.—

(i) in whom the right vests, namely, (a) the general public, (b) the inhabitants of any particular village or villages, to be named, (c) any private person or persons, to be specified by name ;

(ii) the nature of the right, whether for men, animals or carts—a roadway, cart-track or path ;

(iii) the width of the roadway or pathway, and

(iv) whether the way is marked on the village survey map or not. When the way is so marked, it should be distinctly decided that the way will lie along the route so marked. If for special reasons diversion is allowed, such diversion should be specified and its locality indicated as nearly as may be feasible, without actual survey.

Past cases need not be re-opened in any wholesale fashion. But when it is found that want of precision in defining a right of way has led to substantial inconvenience and serious trespass on forest reserves, the Divisional Forest Officer may in his discretion move the Forest Settlement Officer to define the right of way with the accuracy required in this article, and the latter shall thereupon supplement the record with the necessary particulars. The Divisional Forest Officer may then take any action that may be required under section 24 of the Indian Forest Act. (Government Resolution No 8314, dated 22nd August 1907.)

Forest Settlement

308. The Forest Settlement Officer should always consult the Conservator before actually concluding any

exchange of notified forest land for other land. (Government Resolution No 5888, dated 21st July 1885)

Officer
should
consult
Conservator
before
exchanging
forest land.

309. In submitting proposals for afforestation under section 19 of the Indian Forest Act, it should invariably be stated whether any rights have been established over the lands proposed for afforestation and, if so, the nature of such rights should be indicated. (Government Resolution No. 9434, dated 30th September 1916.)

Proposals
for affores-
tation
under
section 19
should
contain
details of
rights

310. There is no objection to the commutation, where necessary, by the Forest Settlement Officer of rights either by the payment of a lump sum, or by a cash allowance, or by remission of judi, or by giving land revenue free; but a cash payment would in most instances be most advisable in the interest of Government. (Government Resolution No. 1190, dated 9th February 1885.)

Various
ways of
commut-
ing rights.

311. For duties of Forest Settlement Officers in the Province of Sind see pages 101 to 107 of the Revised Manual of Commissioner in Sind's Special Circulars, edition of 1917.

Duties of
Forest Settle-
ment
Officers
in Sind

(10) APPEALS AGAINST ORDERS PASSED

BY FOREST SETTLEMENT OFFICER.

312. The Assistant or Deputy Collector in charge of the taluka should be empowered, under section 16 of the Forest Act, to present an appeal against any order of the Forest Settlement Officer under section 15 which may appear to him injurious to the interests of Government land revenue, so that all such cases may be brought under the review of the Collector. To enable the Assistant or Deputy Collector to decide whether an appeal should or should not be preferred, a copy of every decision passed by the Forest Settlement Officer under section 15 should be communicated to him by that officer. (Government Resolution No. 1190, dated 9th February 1885)

Cases in
which
Assistant
and De-
puty Col-
lector
should
appeal

313. Care should be taken that a copy of the Forest Settlement Officer's report and of any orders passed by him under section 11 of the Indian Forest Act is communicated to the Conservator of Forests in time to enable him to prepare an appeal under section 16 within the period specified in that section, should such an appeal be deemed expedient (Government Resolution No. 4560, dated 6th August 1881)

Cases in
which
Conserva-
tors
should
appeal

[NOTE —For Conservator's powers under section 16, Indian Forest Act, read Article 85, Part II]

Copy of award of rights to be supplied to Conservator through Divisional Forest Officer **314.** A copy of every award of a right against the forests, save of a right-of-way, in respect of any lands which may be made by a Forest Settlement Officer, should be forwarded through the Divisional Forest Officer to the Conservator of Forests by the Forest Settlement Officer immediately upon the award being made (Government Resolutions No 2988, dated 9th April 1884, and No 278, dated 13th January 1890)

Pleaders, section 18, Indian Forest Act **315.** In the margin of section 18 of the Forest Act is the word "Pleaders", which seems to show that the section refers to the appointment of Counsel by the parties. It may be assumed, as a matter of course, that the Forest Settlement Officer will consult the Forest Department in all his proceedings, and a formal permanent appointment of the Forest Officers, under section 18, to appear for Government is not necessary (Government Resolution No 4034, dated 1st August 1879)

Employment of District Government pleaders in appeals **316.** Conservators of Forests are authorised to employ District Government Pleaders generally for the purpose of appeals against the orders of Forest Settlement Officers, whenever such appeals are preferred. The Conservators should instruct the District Government Pleaders as to the ground on which their appeals are to be based (Government Resolution No 1048, dated 4th February 1884)

Advice of Legal Remembrancer to be obtained in important cases **317.** In the inquiry into all important claims on which the Forest Settlement Officer will pass orders under sections 10, 11, 14 or 15 of the Forest Act, or in regard to which appeal is preferred under section 16, the Forest Officers who are responsible that the interests of Government are adequately represented should apply under the standing rules for the advice and assistance of the Legal Remembrancer, who will make proposals to engage counsel as he may think necessary. The Collector, who is deputed to hear appeals under section 16, should not, of course, take part in these proceedings.

Collector and Forest Settlement Officer should not take part in correspondence regarding appeals The Forest Settlement Officer, who exercises in these enquiries the powers of a Civil Court, cannot with propriety take part in communications relating to the evidence to be collected for the defence. Any decision of the executive Government against admission of forest rights is simply a statement of the position which Government propose to defend if it is assailed in the Forest Settlement Officer's Court, and is in no way intended as an instruction to the Forest Settlement Officer in his judicial capacity. Thus should be obvious, but the matter is plainly stated here because it has

sometimes been misunderstood. (Government Resolution No. 7829, dated 26th September 1885.)

(v) NOTIFICATIONS UNDER THE INDIAN FOREST ACT

318. As regards the question whether a notification under section 4 of the Forest Act, 1878, satisfies the requirements of that-section in describing the lands to be constituted reserved forest by the numbers which they formerly bore, but which, as the survey has been revised, they no longer bear, it is to be observed that section (4) (b) of Act VII of 1878 as amended by Act V of 1890 requires a notification "specifying as nearly as possible the situation and limits of such land", and the limits will be sufficiently described under explanation 1 to that section by boundaries that are well known and readily intelligible. The Act does not require the survey numbers to be specified at all. That is probably the most convenient mode of description in this Presidency, but there is no necessity for citing the numbers so long as the limits of the land are indicated in a way that the public can recognise.

The notification under section 19 is intended to be more precise as a final record of rights. This is indicated by the words "definitely according to boundary-marks erected or otherwise" in the last sentence but one of that section. It is not necessary, before issuing a notification under section 4, to wait till the materials necessary for one under section 19 are ready. (Government Resolution No. 3297, dated 12th May 1890.)

319. The not uncommon entry "Part of survey No." in schedules to notifications under the Indian Forest Act does not convey to intending claimants sufficiently accurate information as to the situation and limits of the land notified. It is therefore directed that such parts of survey numbers should be described in more detail by a remark of the kind noted in the margin, care being taken to demarcate the land and plot it on the Forest Settlement Officer's map before the notification is submitted. In the case of a whole survey number its situation and limits are sufficiently described by the survey number itself without further description. (Government Resolution No. 8139, dated 19th November 1897.)

A demarcated plot in the north-west corner of the survey number; plan open to inspection in the office of the Forest Settlement Officer.

Parts of S. Nos. should be described in detail in notifications.

Alter-
ations in
areas due
to mea-
surement
need not
be noti-
fied

320. It is not necessary to notify alterations in the areas of forest lands due to measurement by the Survey Department. It will be sufficient if the necessary corrections are made in the Forest Registers of the villages concerned and the alterations are taken into account in preparing the area statements appended to the Forest Administration Reports (Government Resolution No 4611, dated 15th July 1898.)

In notify-
ing re-
vised
S. Nos.,
areas need
not be
specified

321. In the notification publishing the revised survey numbers by which the lands originally notified as reserved forest under other numbers are subsequently designated, it is not necessary to specify the area according to revision survey (Government Resolution No 3102, dated 16th May 1902)

Forms of
notifica-
tions
under
sections 1
and 19

322. Notifications under sections 4 and 19 of the Indian Forest Act should be in the forms given below:—

NOTIFICATIONS

In exercise of the powers conferred by section 4 of the Indian Forest Act, No VII of 1878, as amended by Acts No V of 1890, No V of 1901, No XV of 1911 and No I of 1918, His Excellency the Governor in Council is pleased to declare that it is proposed to constitute the land in the taluka of the

District specified in the schedule hereto annexed
Reserved Forest —

Schedule referred to above

Village	Survey No	Area
2 The		is hereby

appointed, under clause (c) of the same section, to be the Forest Settlement Officer to enquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in this land

3 Under section 16 of the said Act, His Excellency the Governor in Council is also pleased to appoint the Collector of to hear appeals from any orders passed by the said Forest Settlement Officer under sections 10, 11, 14 and 15 of the said Act.

In exercise of the powers conferred by section 19 of the Indian Forest Act, No VII of 1878, as amended by Acts No V of 1890, No V of 1901, No XV of 1911 and No I of 1918, His Excellency the Governor in Council

is pleased, with reference to Government Notification No. ¹
 dated the _____ published at page _____ of the *Bombay*
Government Gazette of the _____ Part I,
 to declare the land in the _____ Taluka _____ of the
 District specified in the schedule hereto annexed
 to be Reserved Forest with effect from the _____ of 19 _____.

Schedule referred to above.

Village	Survey No.	Area
(Government Resolution No 673, dated 1st February 1881.)		

For forms of notifications under section 26, 28, 29 (b)
 and 35 of the Indian Forest Act *see* articles 133, 140 and
 141, 146 and 154 respectively.

323. In all draft notifications relating to forests submitted to Government the correct names of the villages should be entered in the Devanagari character below the English spelling. (Government Memorandum No. 83 dated 6th January 1883.)

Names of
villages
should be
entered in
Devana-
garari
character
in draft
notifica-
tions

324. Cases arise in which it may be desirable to publish, by means of a fresh notification, amended description of the boundaries of forest reserves already notified under section 19 of the Indian Forest Act, or under other forest enactments. It has been ascertained that there is no legal objection to this course, if the fresh notification provides for the substitution of the boundaries for that which was originally notified, and which, though purporting to describe the boundaries as they existed at the time, has subsequently become incorrect or proved to be open to misconstruction. The appended form of notification is considered suitable for such cases and may be employed whenever necessary. The procedure permitted in the foregoing paragraph must not be held to extend to any such alteration of the boundaries on the ground as would involve either the inclusion of new areas or the exclusion of lands which have already been notified as reserved forest. Such changes require either new settlement or, in the case of disforestation, the previous sanction of the Government of India (Now read order (1) under section 26 in Part 1)

Re notify-
ing bound-
aries of
forest
reserves

With reference to Notification No.
 published under section

dated _____
 of the Indian

Form of
notifica-
tions.

*Note.—Preliminary notification issued under section 4 of the Forest Act.

Forest Act (VII of 1878) at page , declaring the forest to be reserved forest, is pleased to direct that the following amended and more accurate description of the boundaries of the said forest be substituted for the description contained in the said notification (Government of India, Revenue and Agriculture No 10 F., dated 20th June 1893, *vide* Government Resolution No 5338, dated 25th July 1893)

(iii) DEMARCATION

Object of demarcation 325. The work of demarcation is of primary importance—not more in the interest of the Forest Department than to protect the cultivators from the oppression and hardship they must necessarily be subjected to if the restrictions essential to forest conservancy are not limited to well-defined areas. (Government Resolution No. 3756, dated 6th August 1870)

Settlements and demarcations—once made should be considered final. 326. The settlements and demarcations of forest already sanctioned by Government were made by the Forest Settlement Officers concerned after careful local inquiry into, and due consideration of, the requirements of the Forest Department and of the cultivators, and were complete and ample, they must therefore, be regarded as final, and the energies of the Forest Department should be directed to the improvement or creation of forests on the lands placed under its control in place of seeking fresh accessions of land which cannot be granted in talukas where a final forest-settlement has been effected

Demarcation includes lands not yet acquired for forests, but which are to be acquired as opportunity offers, and the demarcated area is understood to include all the land which it is desirable to include in forests. The demarcation once made should be final and no other policy is expedient. Even where the demarcation settlement has not been made, orders on applications to take up waste lands for cultivation should be passed without delay and not indefinitely postponed (Government Resolution No. 1056, dated 8th February 1883.)

Revenue and Forest Officers should be consulted in drawing up demarcation scheme. 327. The opinion of the Forest Officers should be obtained in passing demarcation proposals. The Demarcation Officer should consult every local official concerned in forests or agriculture, and any differences of opinion should be placed before the Commissioner and Conservator, that, if possible, unanimity may be attained before proposals are submitted to Government. The excessive bulk and complexity of Forest Settlement Reports might thus be

greatly reduced. A Divisional Forest Officer should always have an opportunity of offering his observations concerning proposals made by a Forest Settlement Officer, and his remarks should be forwarded to Government with the other reports (Government Resolutions No. 8018, dated 10th October 1884, and No 1306, dated 12th February 1885.)

328. Any forest demarcation proposals prepared by the Conservator of Forests should be forwarded through the Collector and Commissioner, who will after such examination of them as they may deem necessary, submit them to Government with their remarks. (Government Resolutions No. 5646, dated 5th August 1889.)

329. No forest settlement proposals can be satisfactorily and finally disposed of, until Government is fully satisfied as to whether the demarcation leaves sufficient land for such extension of agriculture as may be anticipated, and this information must not be omitted from any report (Government Resolution No 909 dated 4th February 1886.)

330. To throw up river bank forest to attain symmetry of boundary or to provide a small additional area of land for cultivation is in the opinion of Government a mistaken policy. The splitting up of survey numbers should be most carefully avoided, except in cases where owing to the very large size of the number or any other very special cause such a course is found to be absolutely necessary. Resort should certainly not be had to it merely to secure straight and even boundary lines. (Government Resolution No. 641, dated 24th January 1889.)

(vi) SETTLEMENT AND DEMARCATION REPORT.

331. The papers of a forest settlement when placed before Government should comprise :—

(1) a list of already notified reserves as they are to be retained permanently ;

(2) a list of notified reserved lands which it is proposed to exclude from reserves, with reasons in detail, and the views of the District Forest Officer ;

(3) a list of new lands which it is proposed to constitute reserved forest (to be notified under section 4), with reasons ;

(4) a list of lands, if any, which it is proposed to make protected forest under section 28 ; perhaps also

Channel
of submis-
sion of demar-
cation
proposals.

Demar-
cation
should
leave
sufficient
land for
agricul-
ture.

Survey
Nos.
should
not be
split up
to secure
straight
bound-
ary.

Data
required
in the
Settle-
ment
Report.

(5) a list of occupied lands which it is desirable to acquire for forests; and

(6) a record of rights awarded in reserves

The Collector should draw up a sketch plan when Forest Settlement Officer is a young officer

Where the work of forest settlement is to be done by a young officer of two or three years' service, and especially when there has been previous discussion, the Collector may secure a great economy of time and labour by laying down a general plan after consulting with the District Forest Officer before the Settlement Officer begins his work, and indicating on the map in what localities the notified forests chiefly seem to require enlargement, reduction or consolidation. He might also, with excellent effect, supervise and direct his Assistants' forest work and assure himself that his proceedings are guided by right principles and recorded in a clear and intelligible way. (Government Resolution No 3245, dated 6th June 1881)

A Demarcation Report should, as a rule, be also a Settlement Report

332. It is desirable, as a general rule, that a Demarcation Report should also be a Settlement Report, and still more desirable that when proposals for the forest demarcation of a taluka are submitted they should at least be accompanied by a full statement of the nature and extent of the forest privileges, of which the grant is advocated. In cases where the combination of a report on the settlement with a report on the demarcation would materially delay the submission of a report for a taluka the Demarcation Report should be supplied separately but in such instances the report on the demarcation should clearly state the forest privileges recommended to be given. (Government Resolutions No 3892, dated 14th May 1885, and No. 5007, dated 19th June 1885)

Instructions for submission of Settlement and Demarcation Reports

333. The following instructions to Forest Settlement Officers, Commissioners, Collectors, Assistant Collectors and Forest Officers have been laid down by Government.—

1 No precise instructions having been issued as to the form in which proposals for the demarcation and settlement of forests should be placed before Government, the reports of the Forest Settlement Officers are not uniform and are often less complete than is desirable. Government should be in possession of all relevant facts needed for a decision whether both the interests of agriculture and the requirements of forest conservancy have been adequately regarded and if these facts are carefully collected and arranged before the Collectors, Commissioners and Conservators

form their conclusions upon them, there will be a greater probability that the Revenue and Forest Officers will be able to submit to Government a scheme on which they are all substantially agreed.

2. Such a scheme should comprise facts and proposals under the following heads.—

Demarcation of the area naturally suited for reservation as reserved or protected forests; proposals for alternate closure and opening for grazing and other uses; estimate of the number of cattle for which grazing can be provided; months in which grazing is to be available; probable amount of supply of cut grass from closed reserves; history of previous uses of all land enclosed in forests under heads of "old reserves," "free pasture," "assessed and unassessed waste"; review of live stock of taluka and purposes for which it is used, i.e., for the agriculturists' personal uses or for profit; grazing resources of each village which has contributed land to forests; demand of each village for grazing in forests, opinions as to proportion of free grazing and grazing on fee, regard being had to the general regulations on the subject; what animals (sheep, goats, camels) are to be excluded; what privileges other than grazing are recommended; what rights are claimed and admitted; proposals for disforestation.

3. The division of labour among the officers concerned in framing the settlement proposals, and the heads under which their several tasks would fall, may be thus suggested:—

Part I.—The Forest Settlement Officer submits his demarcation proposals, stating the area to be constituted and maintained as reserved and protected forest. He works in consultation with the Revenue and Forest Officers of the district, is bound to have careful regard to their criticisms on behalf of the interests they represent respectively, and is expected to submit proposals which are either unanimously approved or contain full elucidation of any conflict of opinions.

Part II.—The submission of a provisional scheme by the Divisional Forest Officer and Conservator with illustrative map, for the utilization of the demarcated area, general plan of working, proportion and rotation of closed area where plantation and sowing will take place, stating

Interests of both agriculture and forest conservancy should be considered. Details which the report should contain.

Division of labour among the officers concerned in framing the report.

time when it is likely to be taken up for forest uses, extent and locality of grazing land, capacity (estimated in acres per head) of the grazing land to admit cattle. The proposals should as far as possible have the concurrence of the Revenue Officers and should be submitted by the Forest Settlement Officer as Part II of his record. Parts I and II having dealt with the disposition and capacity of the forest area, Part III will deal with the popular requirements for its use. The data will be worked out by the Forest Settlement Officer thus :—

[NOTE.—Government Resolution No. 2180, dated 24th April 1888, has cancelled the words "and Revenue Officers conjointly"]

Part III.—The Forest Settlement Officer will supply—

[NOTE.—By Government Resolutions No. 2559, dated 2nd April 1886, and No. 1160, dated 10th June 1886, a form of village statistical statement to accompany Forest Settlement Reports has been prescribed.]

(a) The facts as to user for grazing and other forest produce as existing before his demarcation and his proceedings under the Forest Act respecting all the land included in the forest area. He should particularly note the area of "old reserves" included in the demarcated area, the density of forests in the old reserves, and state from what date these reserves have existed as such, and what has been the practice as to grazing or other privileges in them.

* (b) Statement by villages of *gáirán*, *gurcharun* or other free pasture (set apart under section 38, Land Revenue Code, or otherwise) included in demarcated area.

* (c) Statement by villages of unoccupied waste, assessed and unassessed, and of grazing land previously sold annually by Collector now included in demarcated area and of proceeds of such sale.

* (d) Statement by villages of any other grazing or cultivated land previously outside but now included in demarcated area, *e.g.*, occupied land bought or acquired by exchange.

* (b), (c) and (d) may conveniently be united in one statement, together with statistics of population, number of cattle, total area, area under cultivation, unoccupied waste, assessed and unassessed, left after demarcation.

The Forest Settlement Officer will supply particulars of :—

[NOTE—It was formerly the Revenue Officer's duty to supply the following but this has been altered by Government Resolution No. 2480, dated 21st April 1888.]

(1) The local practice as to cattle-keeping for—

- (a) the plough,
- (b) dairy produce,
- (c) breeding for sale ;

also as to sheep and goats.

Whether the plough-cattle are grazed on forest areas or stall-fed. If the former, in what months forest grazing is demanded and in what months the cattle are at home. If the latter, whether the plough-cattle cannot be stall-fed by grass cut and taken from closed reserves. Whether *sheep, goats and camels cannot be fed outside forest area.*

(2) For each village contributing land to forests—

(a) The amount of grazing land in village limits not taken into forests ; position of each village as to extension of cultivation ; suggestions as to future use of such grazing lands as free pasture or to be sold annually by auction, quality and—where assessed—average assessment of this land

(b) Cancelled by Government Resolution No. 9620, dated 20th December 1889.

(c) Analysis for each village of all grazing resources outside of forests and calculation of number of cattle which—

(a) can be provided with grazing in the village outside forests,

(b) can be stall-fed on grass cut in forests,

(c) must have grazing provided in forests, of which—

(i) how many for plough and supply of milk, etc., to owners,

(ii) how many for trade and profit.

(3) Average acreage given out for cultivation during the last ten years.

(4) It is not intended that on these statistics exact Grazing rules should be formulated by Government for the limita- ^{scheme} tion of cattle to be admitted to graze in forests, as that

is a matter which should be left to local arrangement according to circumstances. The facts will enable Government to judge of the nature of the requirements of each case and the reasonableness of the scheme submitted, and they will also furnish the local Revenue and the Forest Officers with a guide in shaping correctly the local regulations as to the opening of forest areas for grazing and the levy of fees.

Report should be approved by both Revenue and Forest Officers (5) A forest settlement scheme will be considered satisfactory only when, after full consideration of all interests, it is unanimously recommended by both the departments with a clear demonstration that it adequately provides for the wants of agriculture as well as for judicious and beneficial forest conservancy. (Government Resolution No. 7677, dated 22nd September 1885)

Instructions regarding Forest Settlement and Demarcation Reports for Sind forests 334. The above information in respect of grazing grounds and cattle, required to be submitted in the Settlement and Demarcation Reports, is not necessary so far as the forests in Sind are concerned. There are not the same difficulties in respect of grazing requirements as exist in the Presidency Proper. An exception is therefore, made in the case of Sind, where the Forest Settlement Reports will be submitted in accordance with the instructions contained in the Commissioner in Sind's special Circular No. 37, dated 25th April 1882, now *vide* Circular No. 12 printed at pages 101 to 107 of the Revised Manual of the Commissioner in Sind's special Circulars, edition of 1917 (Government Resolution No. 2186, dated 19th March 1886)

Report to be submitted by Commissioner in print 335. All Forest Settlement and Demarcation Reports, with the remarks thereon of the officers concerned, should be submitted by the Commissioners to Government in print instead of in manuscript. The appendices to the reports may be submitted in manuscript.

Number of copies to be printed On receipt from the Commissioner of the manuscript report, the Manager, Government Central Press, should, in each case, ascertain in the usual way the number of copies required for the use of Government.

The Commissioners will ascertain in each case the number of copies required by the Revenue and Forest Officers and communicate it to the Manager, Government Central Press. (Government Circular to the Divisional Commissioner's No. 3712, dated 1st June 1891)

336. The maps of the Topographical Survey should be made use of in forest settlement reports and the effect of the proposals indicated on them. (Government Resolution No. 8018, dated 10th October 1884.)

Maps to accompany Forest Settlement reports. Village sites should be shown on the maps.

337. In all maps sent with Forest Demarcation Reports the different village-sites should be shown, so that their proximity to the proposed reserves might be seen at a glance. (Government Resolution No. 4584, dated 10th August 1876.)

338. When any demarcation has been finally sanctioned by Government the Demarcation Officer should forward to the Revenue Survey Department, through the Conservator of Forests, the copy of the village map or maps on which he has laid down the boundaries of the land included in the forest reserves showing by a distinguishing colour whether the reserve is of the first or second class; and in cases where both classes of reserves may be represented on the same map, indicating the limits of each by their respective colours. The position of the forest boundary marks should also be entered in the map.

Supply of Forest Demarcation maps to the Survey Department and correction of survey records.

The map should be accompanied with a statement showing in a tabular form the survey numbers, areas and assessment of such lands as have been included in the reserves. On receipt of these papers the Superintendent of Survey will make the necessary correction in the Survey records, returning the demarcation map to the Conservator. The Superintendent should, at the same time, furnish the Conservator with two fresh copies of the village map with the forest boundaries shown thereon. The Superintendent should make the reduction of assessment appertaining to the lands taken up for the reserves, reporting the amount to the Commissioner in view to his issuing orders for its being deducted from the village accounts. (Government Resolution No. 7270, dated 11th December 1876.)

339. The entire record of a Forest Settlement and Demarcation Officer, including original maps, proceedings, etc., should on the completion of the work be made over to the Collector and remain in his record room. Copies of such of the maps and documents as the Commissioners consider are likely to prove useful to Forest and Revenue Officers should be supplied to them. (Government Resolutions No. 1265, dated 13th February 1891; and No. 2165, dated 24th March 1891.)

Settlement and Demarcation records should remain in Collector's record room

Forest register should contain statement of rights and privileges

340. The forest register should contain an accurate statement of all rights and privileges. It should be prepared and signed by the Forest Settlement Officer after the work of settlement and demarcation is complete. In effecting settlements when no rights are admitted an entry to that effect should be made in the forest register (Government Resolutions No 3263, dated 7th June 1881, and No 7232, dated 12th September 1892)

Forest Settlements sanctioned for the several districts

341. The Forest Settlements sanctioned in the different Circles are given in Appendix No. III.

CHAPTER XXXIII.

(i) BOUNDARIES AND BOUNDARY MARKS

Demarcation of boundaries

342. Perfect symmetry of forest outlines and mathematical accuracy of boundary are theoretically desirable, and may be aimed at as far as is practicable, but to secure these objects it is not desirable to sacrifice any material area of forest, to exclude from reserve, plots of land of considerable size which have been included in them for years and are covered with trees and vegetation and to take from cultivation any comparatively large quantity of land on which rice or garden crops are now grown. Save when the boundary line is very irregular, and valid reasons exist rendering its rectification expedient, the conversion of pieces of land now cultivated into reserved forest, and *vice versa*, should not be carried out merely in order to obtain a perfectly symmetrical boundary, what are required are well defined limits, a tolerably regular boundary, and the concentration, as far as may be, of cultivation and forest respectively in considerable areas (Government Resolution No. 4565, dated 13th July 1882)

Economy to be practised in erecting boundary marks

343. Care should be taken to practise economy in the erection of the longer description of boundary-marks in forest. There is no necessity for their being so near together as at intervals of a hundred feet. It will be advisable that the one on each side of it should be visible from each of these. With this exception, all intermediate bends may be denoted by smaller marks (Government Resolution No 4082, dated 23rd August 1871)

Rules relating to forest boundary marks and

344. (1) A special forest boundary-mark is to be built at every survey mark

(2) If the survey boundary-marks are so far apart that the special forest boundary-mark at them cannot be seen

owing to the distance, or the physical configuration of the ^{their up-}ground, then intermediate special forest boundary-marks ^{keep.} must be erected between the two points so as to make the line clearly visible.

(3)* To avoid erecting more special forest boundary-marks than are absolutely necessary, and also to define the true line of the boundary clearly, all bushes and undergrowth between two boundary-marks should first be removed

(4) This clearing should consist of cutting down only all the undergrowth that impedes the view, preventing one forest boundary-mark being seen from its neighbouring one, or when crossing the boundary line at any point, two boundary-marks, one on the right hand and the other on the left, should be visible.

(5) The breadth in the clearance should, in no case, exceed 6 feet or two paces, unless the line constitutes a fire-line.

(6) Nothing is to be cut growing outside of the true forest boundary-line.

(7) Trees on the boundary should not be cut down so long as they do not obscure the view of the boundary-marks one from the other, unless for clearing a fire-line.

(8) Where there is but little to cut, the Beat Guard can clear the boundary-line with his own hand

(9) But where the undergrowth is heavy and the material is saleable the work may be undertaken at Government cost, funds being provided for it in the budget.

(10) Where the undergrowth is heavy and there is no sale for it, Range Forest Officers should, if possible, arrange to have it cut by the villagers, giving them in remuneration the material cut. But in each such case the sanction of the Divisional Forest Officer must always be obtained previously.

(11) The Beat Guard must, after the boundary has once been cleared, keep down all regrowth. (Circular of the Conservator, Central Circle, dated November 1896.)

345. (1) In hilly country and also in the plains where ^{Specifica-}stones are to be found in considerable quantity there shall ^{tion of} be two classes of forest boundary-marks of the following ^{forest} specification :— ^{boundary} ^{marks.}

1st—

Shape—A truncated cone.

Description.—Built of loose stones upon an excavated foundation so that the lowest tier of stones shall be held

in position and not pushed out by the weight of the superstructure, especially when the ground becomes wet and slippery. The interstices between the large stones composing the cairn are to be filled in with small stones and the outer stones are to be wedged with stone chips. A shaped stone showing a height of at least 15 inches is to be fixed firmly on the top of the cairn in the centre.

Foundation.—Six (6) inches to be dug out

Dimensions.—*First class mark* to have a base of 7 feet diameter, to be 5 feet high and the top to be 4 feet diameter.

Second class mark to be on a base of 4 feet diameter, to be 3½ feet high and to be 2½ feet in diameter on top

Indicator.—A cut stone showing at least 15 inches clear of the cairn to be embedded firmly in the centre on top; the stone to be large enough for a serial number to be cut on it if required.

Colour-wash.—The stone to be colour-washed red annually and lines of the same colour are to appear on the top of the cairns radiating from the centre stone to show the direction of the boundary-lines

NB—*Bamboos*, or *Euphorbia corollata*, *Sisal*, to be planted in clumps round each boundary-mark

Position.—A first class boundary-mark to occupy main points and angles, such as where the boundary of a forest block, forest compartment or village may intersect the forest boundary, and where the latter may take an abrupt turn.

A second class boundary-mark to occupy intermediate points

NB—(1) The boundary-marks are to be placed at visible distances one from the other, so that from any mark its neighbouring one on both sides can be seen clearly.

(2) Where loose stones are not plentiful, instead of smaller cairns to occupy intermediate stations, the first class marks can be connected by a row of stones, showing 1 foot above ground placed in a single line, one guntha chain or 22 yards apart which are to be coloured red.

Approximate cost.—A first class boundary-mark can be constructed at an expenditure of from 7 to 9 annas and a second class boundary-mark at a cost of from 2½ to 4 annas

(2) In the plains where loose stones are not plentiful, the forest boundary-mark may consist of a truncated cone made of earth well rammed, or of sundried bricks, or it may consist of the ordinary revenue survey band

or boundary-mark with a stone stuck on the top which will be coloured red and the bands upon the forest boundary will be connected by stones showing 1 foot aboveground to be colour-washed red.

It is desirable that the reserves on the plains shall be fenced, and the fences will be supplemental to the boundary-marks for defining and protecting the forest boundaries. Living fences may be made of *Euphorbia verrifolia* (Sabri) and *E. tirucalli* (Shér), *Opuntia dillenii* (Nágphani niwadung), *Ingadulcis* (Vilayati chinch or Deekni babool), *Lawsonia alba* (Mendlu), *Cæsalpinia sepiaria* (Chilhar or Mysore thorn), etc. (Conservator's Circular).

346. (1) The Forest Guard of the beat will be responsible for the maintenance and protection of all the boundary-marks in the forests of his beat, he will colour-wash them annually after the Divali holidays and will make a special report of having performed this work, he will repair with his own hands any marks that may become disarranged, and he will plant bamboos or other vegetation, as directed, round or close to each mark, and also upon the forest boundary-line to form a living hedge.

Rules for the inspection and maintenance of forest boundary marks

Each forest boundary-mark in his "beat" is to be specially inspected by the Beat Guard at least once in every three months, and a record of his inspection of marks is to be entered in his diary when it may occur.

(2) The Round Guard will be responsible for the maintenance and protection of the boundary-marks in the forests of his round, he will see that they are maintained in proper repair, are colour-washed, as directed, by the Beat Guard, and that the required measure of planting upon the forest boundaries or at or near the boundary-marks is undertaken and performed by the Beat Guard.

The Round Guard will specially inspect every forest boundary-mark in the forests of his round once in every year and will make a record of every inspection made in his diary when it may occur, and also will submit a special report to the Divisional Forest Officer upon the state and condition of the boundary-marks, forest boundaries, living hedge, etc., as soon as he may have completed the inspection of the boundaries of any forest village or forest block.

(3) The Range Forest Officer will, during the official year, inspect and specially report upon the state and condition of the forest boundaries and forest boundary-marks

of not less than two miles of forest boundary in every "beat" in his range. A record of inspections made will be entered in his diary when they may occur. (Conservator's Circular)

Boundary marks of interior survey need not be kept up, those outside should be annually repaired

347. The boundary-marks of interior survey numbers of a forest block may be allowed to fall into disrepair, the boundary-marks on the outer boundary of the outer survey numbers on the forest reserve boundaries being annually inspected and repaired. (Government Resolution no. 6626, dated 7th November 1877)

(II) FENCING

Plantation and reserved forest should be clearly demarcated.

348. Government wish to impress upon the Forest Department the desirability of proper demarcation, fencing and guarding of plantations and forest reserves. The mere fact that a few seeds have been sown in a portion of a gairan is not sufficient to entitle a Forest Officer to treat as trespassing, and to send summarily to the pound, cattle which may happen to enter that part of the gairan. There must be some outward and visible sign of closure of gairan in the shape of fences or watchers. In future, when a portion of a gairan has been prepared for closure by the Forest Department, the Forest Officer should report the fact to the Assistant Collector, who will take measures to ascertain if the necessary fences have been erected and if satisfied on this point will then give orders for the closing of portion of gairan. No cattle should be allowed to be seized or impounded by the Forest Guards until the formal orders, as above directed, by the Assistant Collector for the closure of the land have been issued. (Government Resolution No 1866, dated 10th April 1880)

Prickly-pear fencing

349. Prickly-pear should not be used for fencing when any other description of hedge is available. (Government Resolution No 2169, dated 7th May 1870)

Areas which should be wire fenced

350. Wire fencing should be restricted to such works as valuable operations, nurseries, protective reboisement works, depot compounds, etc. Any large expenditure upon wire-fencing of forests should be justifiable in the interests of forest conservancy. (Government Resolution No 176, dated 10th January 1901.)

CHAPTER XXXIV.

FOREST SURVEYS AND MAPS.

Procedure to be followed in connection

351. The recent reorganization of the Survey of India has led to an important change in regard to the arrangements for Forest Surveys in India. The separate Forest Survey

Branch of the Survey of India has been abolished, and a definite programme of topographical survey has been drawn up. This programme will be carried out continuously and systematically, and in future the breaking up of the survey parties into isolated detachments for the purpose of surveying forest areas will be avoided. Large scale surveys will also be avoided as much as possible as they will hamper the progress of the topographical programme. With these objects in view the Government of India suggested certain arrangements for the conduct of forest surveys in India in their Circular No. 3-151-3 (Land Surveys), dated the 11th January 1907, and all Local Governments and Administrations have agreed in the suggestions made. The new arrangements differ materially from those sanctioned by the Government of India in their Resolution No. 3-F-213-5, dated the 11th February 1904, and are explained in the following rules which have been drawn up in consultation with the Surveyor General and which lay down the procedure to be followed in connection with forest surveys, and in obtaining forest maps.

(a) FOREST SURVEYS.

I. Unless in very exceptional circumstances, the survey of forest areas will be carried out on a scale of two inches to the mile, and maps containing forest areas will be furnished to the Forest Department on that scale, except where the ordinary one inch to the mile standard sheets are sufficient for forest purposes.

II. As a general rule, forest areas will be surveyed in the course of the ordinary topographical programme, and a skeleton boundary survey of demarcated forests on a scale of four inches to the mile will, at the same time, be prepared by the topographical party. In such cases no charge will be made by the Survey Department for the cost of the Survey (including publication of the standard map sheets), which will be defrayed from Imperial funds. If any rearrangement of the standard sheets or republication is necessary for the convenience of the Forest Department, the whole cost of the work involved will be charged to the Forest Map Office and not to the Survey of India.

NOTE—It rests with Circle Superintendents of the Survey Department to ascertain from Conservators the scale on which maps of forest areas included in the ordinary topographical programme are required.

III. When the survey of an individual forest or of a boundary is urgent and is outside the ordinary topo-

graphical programme, the Surveyor-General will endeavour to make special arrangements to meet the requirements, but such special arrangements will require the sanction of the Government of India, and no applications for special work should be made unless it is really urgent and necessary. As in such cases the work will be specially done by the Survey Department for the Forest Department, the cost of the survey and of the maps will be entirely charged to the Forest Department, and the procedure will be as follows :—

The Chief Conservator should first ascertain from the Superintendent of the Survey Circle in which the area to be surveyed lies whether he can undertake the work in the ordinary course or not. If not, the Chief Conservator should obtain an estimate of the cost from the Circle Superintendent and apply to the Local Government for sanction to the work being undertaken as a special case. If sanction is accorded it should be communicated by the Chief Conservator to the Surveyor-General who will endeavour to make the necessary arrangements for carrying out the work, after consulting the Inspector-General of Forests if he considers this necessary, and after obtaining the approval of the Government of India.

IV. When at any time (whether the survey falls within the ordinary topographical programme or not) a survey on a scale larger than two inches to the mile is desired, the work will be "special" and the whole cost will be debited to the Forest Department in the province concerned. In such cases the procedure will be that prescribed in Rule III.

(b) FOREST MAPS.

I. All forest maps prepared from surveys made in accordance with the above rules will be supplied to forest officers on indents countersigned by Deputy Conservators or officers of superior rank. All indents for such maps should be addressed to the officer in charge, Forest Map Office, Dehra Dun.

II. Second or further editions of the maps referred to in Rule I will be prepared only by order of Local Government and at their cost. If a new edition of any existing

map is considered necessary, the Chief Conservator should first consult the officer in charge of the Forest Map Office, Dehra Dun, who will decide whether it will suffice to correct the maps of the previous edition by hand or whether the maps should be republished after the corrections have been carried out in his office. In the latter event, the officer in charge of the Forest Map Office will supply an estimate of the cost, and the Chief Conservator will apply for the sanction of Government to the publication of a new edition, as well as to the number of copies to be printed and their distribution.

III. When new editions of maps on any scale necessitate additional survey work in the field, the procedure prescribed under No. III of the Forest Survey Rules should be followed.

IV. Special maps such as those showing the forest areas in a province or a forest circle, etc., will either be prepared by local forest officers or by the Forest Map Office. The cost of all special maps will be charged to Local Government. The Chief Conservator may, if authorised by Government to do so, correspond direct with the officer in charge of the Forest Map Office to ascertain the cost of the special maps he requires prepared or published and whether such maps can conveniently be prepared. If this can be done, the Chief Conservator may authorise the preparation of such maps and pay for them up to a limit of Rs 500 in each case, provided that the expenditure can be met from the budget grants. The officer in charge of the Forest Map Office will be responsible in such cases for not undertaking any work that may seem to him uncalled for, having regard to the maps that are already available, and also for not undertaking work that he is not in a position to carry out punctually. Should the estimated cost of any special map exceed Rs. 500, the sanction of the Local Government and of the Inspector-General of Forests must be obtained before the preparation of the special map is undertaken.

This rule applies both to special maps prepared in the Forest Map Office and to those prepared by local forest officers and sent to the Forest Map Office for publication. (Government of India, R. and A. Circular No. 14-F-144-2, dated 21st May 1910, printed as Appendix II to the Forest Department Code, VII edition.)

(c) SCALE OF MAPS FOR FORESTS

Normal
scale to
be em-
ployed for
Forest
Survey
maps

352. The normal scale for the forest survey maps should be one of 4 inches to the mile, but it is open to the Conservator of Forests to obtain sanction at any time before a survey is taken in hand for the enhancement of the scale to 8 inches to the mile if the forests are very valuable or for the utilization of the ordinary topographical maps on the 2-inch scale if the forests are of little value, full reasons being given in each case for departure from the normal practice. (Government Resolutions Nos 5307 of 7th August 1888 and 8185 of 7th December 1888.)

Scales
san-
ctioned
for
different
districts

353. The scales for maps sanctioned for different districts are as follows —

1 Northern Circle.

1-inch scale is sanctioned for—

- (1) the forests of the Dohad and Jhalod ranges in the Panch Mahals district,
- (2) the forest area in the Mandvi taluka of the Surat district,
- (3) the outlying villages of the Dangs in the Surat district,
- (4) Nasik division has been mapped on the 8-inch scale

2 Central Circle

(1) The 8-inch scale should be adopted in conducting the Forest Surveys throughout the Kolaba district

(2) The forests of Satara division have been surveyed on the 1-inch scale, except teak areas and river side babul in which the 8-inch scale has been employed. The maps of the Satara forests now on the 2-inch scale should be enlarged to the 4-inch scale.

(3) The scale sanctioned for the teak areas of Khandesh is 4 inches to the mile, babul areas of Khandesh are to be mapped on the 8-inch scale. All Khandesh forests which have not been surveyed on the 1-inch scale should be re-surveyed on the 2-inch scale, and the maps enlarged to 4-inch scale

3 Southern Circle.

The scale prescribed for Kanara and the Railway Fuel Reserves of Belgaum is 4 inches to the mile. (Government

Resolutions Nos. 7196 of 9th September 1892, 1115 of 15th February 1901, 4755 of 9th July 1901 and 5107 of 1st June 1914.)

CHAPTER XXXV.

INAMDAR'S FORESTS.

354. In cases where at the time of the settlement, forest rights had been specially reserved, and were not in the enjoyment of the Inámdár, he should be held to have no claim whatever to them. In such cases the Collector may, if he thinks fit, either retain the forests on account of Government or else sell them for their full value to the Inámdárs. The Collector will exercise this discretion only after consulting with the Forest Officers

Cases in which Inámdárs should be held to have forest rights and no rights respectively

In cases where the Inámdár has at the time of settlement exercised rights of Forests, and the land has not been specially set apart for valuation, according to Rule 2 of section 2 of (Bombay) Act II of 1863, then the settlement should be made according to the survey assessment, irrespective of the value of the trees, which should be held to belong unreservedly to the Inámdárs. In cases where the Inámdár has at the time of the settlement exercised forest rights, and the land has not been surveyed and assessed, but has been reserved for special valuation, then in making the settlement the value of the land for purposes of cultivation, together with the forest growth thereon, should be taken into consideration. (Government Resolution No 1796 dated 11th May 1867, and Secretary of State's No. 7 dated 31st August 1867, *vide* Government Resolution No. 3538, dated 17th October 1867.)

355. Where the right of the trees has hitherto unquestionably belonged to Government, they should either be felled or sold, or disposed of in any other way the Conservator may advise. Inámdárs or others who attempt to make away with trees of this description should be criminally prosecuted. In cases where the absolute right of Government in the trees cannot be established, there appears no remedy against an Inámdár who refuses the settlement as regards trees when the Summary Settlement of the land revenue of the village has been already effected. (Government Resolution No. 1044 dated 14th March 1867.)

Disposal of trees when they are the property of Government. Doubtful cases

Procedure
to be
followed
when
Inámdárs
claim a
right
over
forests

356. All cases in which Inámdárs claim a right over the forests in their villages should be referred to the Forest Settlement Officer for a careful inquiry and separate report in each case for the final orders of Government. The Forest Settlement Officer's duty simply will be to inquire fully into the case, to report the result of his investigations and to record his opinion which Government will be at liberty either to accept or to refuse to accept. The reports should be submitted to Government, through the Collector and the Legal Remembrancer, without passing through the Commissioner's office. That officer may be referred to when occasion may arise. It is advisable that the Sanad should be examined in every case before the forest is allowed to be cut down in Inám villages.

Titles
settled
under
Summary
Settle-
ment Act.

Government do not consider it desirable that titles which have been settled under the Summary Settlement Acts should be excepted from the operation of the above ruling. Where quit-rent has been calculated on forest revenue there is no room for doubt, but it seems expedient that Government should be satisfied either from such fact or otherwise that the settlement did extend to forest land before the claims of Inámdárs to such lands, which are often very valuable, are finally admitted. (Government Resolutions Nos 6157 of 29th October 1881; 3303 of 28th April 1883; 2037 of 6th March 1884, 4111 of 21st May 1884; 7092 of 5th October 1886, and 7851 of 5th November 1886.)

Devasthan
lands

357. Question as to forest rights in Devasthan lands and such other small holdings should be reported to Government for orders as they arise through the Remembrancer of Legal Affairs. (Government Resolution No 6457 dated 12th September 1890.)

Object of
inquiries
into
Forest
rights of
Inámdárs

358. It is not necessary that the Inámdár should be called upon in every case to state whether he claims forest rights, and if so upon what grounds. The object of the inquiries into the forest rights of Inámdárs, which are not in any sense judicial or conclusive inquiries, is to enable Government to determine in what Inám villages they will and in what they will not assert forest rights. When once it is ascertained that a village has come under Summary Settlement, Government have at once the means of determining their cause without further investigation and it seems quite unnecessary to trouble the Inámdár. In most other cases also, the nature of an Inámdár's title is ascertainable without reference to him, and the Inámdár should only be asked to furnish information or to state his own views when the

Forest Settlement Officer has reason for doubting the real state of the case concerning his village. (L. R. No. 1608, dated 16th December 1885, *vide* Government Resolution No. 469 dated 20th January 1886.)

359. The rules on which Government have hitherto acted in deciding cases regarding the forest rights of Inámdárs in their villages should be adhered to. These rules are (1) that the words "Jal, Taru, etc.," in a Sanad give a right to the forests; (2) that the Inám Commissioner's decisions are final; and (3) that the Summary Settlement gives a right to the forests. (Government Resolution No. 8185 dated 9th October 1885.)

360. By a Summary Settlement an Inámdár, whatever his rights before, becomes, by virtue of the proprietary right in the soil which such settlement confers, entitled to all forest rights over all lands at the time of such settlement in his holding, when a Summary Settlement has taken place, the right to the trees does not depend on any mention of the trees or any expressed intention to give or retain the contract over them, but solely on the question whether the trees stand within the area of which the Summary Settlement applies. (L. R. No 368 dated 6th April 1889, *vide* Government Resolution No 5572, dated 11th August 1890)

361. Inámdárs whose titles have been adjudicated before the Summary Settlement Act became law, and who have since agreed under the Act to pay a Nazrána of one anna in order that their holdings may become their transferable private property are to be deemed to have full proprietary rights as Inámdárs to whom a Summary Settlement has been applied. (L. R. No. 31 dated 6th January 1885, *vide* Government Resolution No. 539 dated 19th January 1885)

362. In those villages in which the service grant was made by Government, prior to the alienation of the village of the Inámdár, and thus excluded from the Inám to the latter, the right to the trees in such service lands would undoubtedly vest in Government, while in the villages where the service grant was subsequent to the alienation of the village, such right must be considered to vest in the Inámdár. (Government Resolution No. 5987, dated 6th September 1888)

363. The orders passed in Government Resolution No. 9578, dated 19th December 1889, have been modified to the following extent, Wañandárs who still perform services

Rules followed by Government in deciding Inámdár's rights to forest

Effect of a Summary Settlement with respect to right to trees

Inámdárs whose titles have been adjudicated before the passing of Summary Settlement Act.

Right to trees in service lands in unalienated villages.

Rules regulating the cutting.

of trees by
Watandār.

are allowed to cut down trees in their holdings with the permission of the Collector first obtained, which the Collector may refuse if he sees good grounds for doing so. An executive order should be issued to Collectors that where the custom is for the land to pass from an occupant to his natural heirs independently of the Watandār who actually performs the service, the permission should be given, but that where the land passes with the office and the holder enjoys only a temporary usufruct, permission should only be given for good reasons such as that the trees are ready to fall, damage the crops or the like.

The rules should be that —

(a) Occupants of service holdings may, with the previous permission of the Collector, cut away trees standing in their holdings.

(b) The Collector shall not, except for express reasons to be recorded in writing, refuse permission unless the trees be reserved at the survey, or form portion of sacred groves or are road-side or other trees useful to the community, and whose destruction would be a public loss.

(c) In the case of an application to cut isolated teak or other reserved trees, the Collector may grant them on payment of their estimated value. Where a permission to cut several of such trees is applied for, the application should be disposed of by the Conservator.

(d) Where trees are reserved in the case of ordinary occupants they should be reserved also in those service lands to which a settlement converting them into private property has not been applied. The occupants of service lands concerned should be warned that the concession now allowed is granted as an act of grace and not as an admission of any right and that it is revocable at the pleasure of Government. (Government Resolution No. 6376, dated 9th September 1890.)

Selected
Divisional
Forest
Officers
may
be em-
powered

364. The power of granting permission to cut reserved trees in service inam lands on payment of their estimated value may be delegated by Conservators to selected Divisional Forest Officers subject to the condition that each case should be reported for the information of the Conservator.

giving details of place, number and price of trees and species. to per-
(Government Resolution No 5651, dated 16th June 1913) mit cut-
ting of
reserved
trees in
service
in im
lands

365. Government will claim no right over the teak Rights of
trees already planted nor upon those that may hereafter the occu-
pants to
be planted subject to the conditions, viz. — trees
planted in
occupied
Khoti
lands

(1) that an officer of the Forest Department be permitted to count the number of trees planted and see if it correspond with the number given out as such by petitioners, and

(2) that petitioners agree in writing that before cutting any they should inform the Forest Officer and should any be cut without previous intimation to that officer the petitioners will lose all right to the timber cut, and it will become the property of Government, these conditions being necessary to guard against the plunder of neighbouring Government teak under cover of cutting from the khot's own plantation (Government Resolution No. 3363, dated 1st May 1883.)

366. The District hereditary officers have no right Right
to trees standing on the lands which they hold for service to trees of
uncommuted and without proprietary rights (Government Resolution No 119, dated 17th January 1887) district
hereditary
officers

367. The distinction between a holder of service lands Right to
and an ordinary occupant is clear. Service tenure is a pri- trees of
vileged tenure, and the extent of the alienation conveyed service
in the privilege is governed by the general rules which do Inámdárs
not presume cession of forest rights in the absence of proof. and of
Government can disallow altogether the cutting of trees occupant's
in service lands or can permit it subject to such conditions distin-
as they may think fit to impose (Government Resolution No 5987, dated 6th September 1888.) gished

368. No distinction should be made between rights Reser-
to trees enjoyed by occupants in return for certain amount vation of
of assessment, and those enjoyed by service Inámdárs in trees in
return for service Whatever trees are reserved in the case service
of ordinary occupants should be reserved also in those service in im
lands to which a settlement converting them into private lands
property has not been applied. (Government Resolution No. 9578, dated 19th December 1889.)

Where there is no evidence to the contrary, Inamdar's right to trees will not be questioned.

Rights to trees in service inam lands

369. If it cannot be proved from the Collector's records or otherwise that the forests were at the time of the settlement in the possession of Government the title of the Inamdar will not be questioned. (Government Resolution No. 3079, dated 15th April 1884.)

370. Trees in lands held for service without proprietary right cannot be claimed as of right by the holders of the lands either

(a) as proprietors, or

(b) as occupants.

Rights to trees may be conceded by Government but cannot arise till concession has actually been made, and such concession would not be complete till communicated to the persons in whose favour it is made. (Government Resolution No 2156, dated 24th March 1890)

Rules regulating forest rights in alienated villages in the Panch Mahals

371. The following rules for regulating forest rights in the alienated villages in the Panch Mahals were approved by Government. These are not detailed rules for the management of the forests, but are general rules to instruct alienees as to their exact position and to let Revenue Officers also understand this —

(1) For forest purposes alienated villages in the Panch Mahals are divided into three classes —

I. Villages in which there is no forest.

II Villages in which there are forests, but the forest rights in which have been conceded by sanad to the alienee or the lands of which, not the revenues merely, have been granted to the alienee.

III Villages in which there are forests and in which neither forest rights nor the land has been conceded by sanad to the alienee.

(2) With the trees in Class I, no interference by Government officers is to be allowed except to prevent trees being cut and carried in such a manner that might lead to robberies in neighbouring preserves

(3) With the forests in Class II, Government Officers should not interfere in any way except to enforce the rules given below, or other rules duly promulgated.

(4) As regards Class III, as the alienees have no right to the forest lands nor to anything growing thereon, the

forests belong exclusively to Government and are to be managed as ordered in the following rules.

(5) Forests include all lands classed as reserved and protected forests with the sanction of Government.

(6) Government will not interfere with the enjoyment of the usufruct of forest produce by alienees on lands not declared to be forests under the preceding rule, except in the case of trees or classes of trees once for all specially reserved.

(7) In villages coming under Classes I and II, alienees may cut wood and timber in small quantities for their own use at pleasure, but if any alienee wishes to cut any large quantity of wood, or wood of the value of Rs. 30 or upwards, he must intimate to the District Forest Officer his intention in writing one month before he intends cutting stating—

(a) The kind of timber he means to cut.

(b) The amount he intends to cut.

(c) The probable value of the same.

(d) The purpose for which it is to be cut.

If the wood is for removal to another village, the alienee must apply for and obtain a pass from a duly authorised officer before such wood is moved from the forest in which it is cut. Such application shall, in addition to the above particulars, mention the destination to which the wood is to be moved. The pass will specify the quantity of wood to be removed, its description, the route by which it is to be carried, and to whom the pass is to be returned. Any failure to attend to this rule, or to conform to the conditions of the pass, will render the parties concerned in the removal liable to the penalties prescribed in the Rules under Chapter VIII of the Indian Forest Act, 1878.

(8) The proprietor of any alienated village entitled to exercise forest rights who may wish to do so, shall provide himself with—

(a) A brand for stamping wood, which must either be obtained through the District Forest Officer, or be submitted to him for approval, in order that the brand may be registered.

(b) A pass-book will be supplied by the District Forest Officer. This pass-book to consist of pages with counterfoil, which latter, on passes being issued by an alienee, must be retained in his possession and must, on demand, be produced before the District Forest Officer for comparison with passes.

(9) When an alienee sells wood in his own village for removal elsewhere, he shall issue for each cart or set of carts, or for each beast of burden or set of such beasts of burden in one party, a pass specifying the quantity and description of wood sold, the jungles from which it has been cut, the route by which it is to be taken, and the naka by which it is to pass and at which the pass is to be delivered. He shall likewise brand each log, rafter, plank, etc., exceeding (3) three inches in diameter or width with the brand sanctioned or issued by the District Forest Officer under Rule 8, unless exemption is specially granted by the District Forest Officer.

(10) Further rules regarding the removal, etc., of wood from these forests will be found in the rules under section 41 of the Indian Forest Act, and penalties for disobedience of Forest Rules are also therein set forth. (Government Resolution No 952, dated 22nd February 1879.)

State
manage-
ment of
forests
in the
Panch
Mahals

372. Though it is very desirable that the management of the forests in the Tálukdárí villages of the Panch Maháls should be in the hands of the Forest Department, yet it would not be equitable to maintain that management without the consent of the Tálukdár. It is probable that the consent of the Tálukdárs may be obtained if they are treated liberally in regard to their revenues and if the objects of Government are fully explained to them. They should be made to understand that Government desire to undertake the management of their forests not for the sake of profit but in the general interest of the country, and that it is intended that the whole of the net profits of the forest realized under Government management shall be made over to them or credited towards their Jama, Government retaining no part of the forest produce as their own, but only adding to the annual Jama payment such sum as appears equitable on account of the portion of the revenues of the estate derived from forests.

The Tálukdárs should be recognised as full proprietors of the soil of their estates including the forest lands, the right of Government being confined to a charge on the rental

Government do not propose to make any addition on account of the profits of forests to the Tálukdár's Jama as fixed by settlements now current. These principles are applicable to all the estates in the Panch Maháls which are held on the Tálukdárí tenure (Government Resolution No 1723, dated 23rd June 1883, No 8999, dated 15th November 1881, and No. 1664, dated 26th February 1885.)

373. Opinion of the Advocate-General on the Forest rights of certain Inámdárs in the Thana Collectorate :—

Forest
rights of
Inamdars
in Thana
District.

"Before proceeding to categorically answer the several questions contained in the letter No. 3854 of 1883, Revenue Department (19th May last), from the Under Secretary to Government to the Solicitor to Government, it will be well to draw attention to the provisions of the Summary Settlement Act (Bombay Act VII of 1863).

"The Act recites that it is expedient to provide with certain exceptions for the summary settlement of all claims to hold land wholly or partially exempt from the payment of land revenue and

"Section 2, clause 1, enacts that when the holders (holder is defined as the person who by himself or his tenants, etc., is in possession) of lands (except, etc.) held either wholly or partially exempt from the payment of land revenue, shall consent to the terms and conditions thereafter described it shall be lawful for the Governor in Council to finally authorize and guarantee by sanad the continuance in perpetuity of the said land to the holders, their heirs and assigns.

"Section 6 enacts that the lands so continued in perpetuity shall be the heritable and transferable property of the holders, their heirs, etc., and be continued in perpetuity at a fixed annual payment to Government.

"Section 9 enacts that, in order to ascertain whether a holder desires to accept the settlement the Collector, etc., shall serve him with a notice calling upon him to state whether he is willing to accept the settlement or whether he demands an enquiry into his title, and clause 8, that if the holder makes no answer for six months stating that he declines the settlement, etc., he shall be deemed to have dispensed with enquiry and the lands shall be dealt with under sections 2 and 6.

"Section 10 enacts that if a holder claims an enquiry, then enquiry shall be conducted under the rules enacted—Clause 2, that all land held in excess of that by which title is established, shall be fully assessed.

"It is to be observed upon these provisions that the benefit of the Act is to be given to such holders, *i.e.*, person in possession, as consent to the terms and conditions of the Act, in preference to being obliged to prove their title to exemption, and there is to be no inquiry into title save where the holder demands such enquiry.

"The sole question is the fact of occupancy, and clause 2 of section 10 shows that, save where there is an enquiry into title, the right to occupancy is not a subject of enquiry.

"Government in my opinion in their Resolution No 3988 of 14th October 1862 at 64 (referred to in paragraph 19 of Mr. Naylor's report 531. of 1883) took a perfectly correct view of the Act and were quite right in laying down in the second paragraph of that Resolution that claims to trees will, therefore, turn upon the fact whether the Inámdár was exercising, over the lands in which the trees are situated, rights of occupancy. If he was, his right to the trees should be admitted.

"So where the fact of occupancy exists there is no enquiry into the occupant's rights—if he occupies forest land there is no enquiry whether under the terms of his sanad or otherwise he is entitled to the ownership of the forest or not.

"And thus the foot-notes to the notices referred to in Mr Ebdon's letter reserving the question of the ownership of the forest until inspection of the sanads are not in accordance with the Act.

I. Is it consistent with the Summary Settlement Act to make an enquiry for the purpose of determining whether forest land forms part of the holding of an inámdár and in his possession?

"I now proceed to answer the questions put in the Under Secretary's letter. If 'an enquiry' in this question means an enquiry at which the Inámdár is to attend and by which he is to be bound, I think such an enquiry is inconsistent with the Summary Settlement Act, for there is no provision regarding such an enquiry, nor is there any means for making the enquiry binding upon the Inámdár.

"The only enquiry contemplated by the Act is that under section 10, where the Inámdár claims an enquiry, and under clause 2 of that section a full assessment is leviable on all land found upon such enquiry to be held in excess of that to which the title is established.

"The Act does not contemplate that there would be any question respecting the area of the holding.

II. Does a kabulayat in form A constitute by itself a contract binding on Government?

"Certainly, and the effect is that the ownership in the soil and trees of the forest referred to in A under the provisions of the Act become the absolute property of the Inámdár.

III. When such a kabulayat was executed prior to the issue of the notice of settlement and when the notice of settlement issued subsequently reserved the question of forest rights, must the settlement be held to have extended to the forests, or is it still open to Government to enquire whether the forest land was in the possession of the inámdár and formed part of his holding at the time of settlement? Would the burden of proving the exercise of rights or possession lie on the inámdár?

"I should consider it unlikely that any kabulayat was executed without any notice under section 9 of the Act.

"And I have already pointed out that where the forest was in the occupancy of the Inámdár, any reservation in the notice of the question of forest rights was *ultra vires* of the Act.

"Whether a preliminary notice under section 9 was given or not would not affect the validity of the kabulayat, and the kabulayats in my opinion would be binding upon Government for the whole area mentioned in them, whether forest or not; and I think it is not now open to Government to enquire whether the forest land was in the possession of the Inámdár and formed part of his holding at the time of the settlement.

"A contract can only be rectified when through fraud or mutual mistake of both parties it does not truly express their intention (Specific Relief Act 1 of 1877, section 31); and a contract is void only where both parties to it were under a mistake as to an essential matter of fact; it is not voidable merely because it was caused by one of the parties to it being under a mistake as to a matter of fact (Indian Contract Act IX of 1872, sections 20 and 22).

"No fraud is alleged on the Inámdár's part; the utmost that can be said is that Government officials were mistaken as to area in the Inámdár's holding.

IV. Does the entry of the words "Sabandh gaon" (entire village) in the notice of settlement have the effect of extending the settlement to the forest lands notwithstanding any reservation which may be made regarding such land? The High Court in their decree No. 9 of 1888 rejected the Manivli inámdár's claim to forest rights on the ground that the sanad did not convey the soil (vide entry No. 42 in Mr. Ebdon's list among the papers) though in the notice of summary settlement the phrase "Sabandh Gaon" was used.

"No kabulayat has been granted for Manivli but here as in all other cases the question is, what is the area of the holding; for that area the Inámdár would be entitled to the summary settlement with its consequent advantages, and if that area comprised the forest, the subject of the decision of the decree, the Inámdár would be entitled to the summary

settlement in respect of that forest notwithstanding the High Court's decree on the construction of the sanad

" If the Inámdár was in possession of part only of the village, the entry of Sabandh Gaon in the notice, by mistake, would not bind Government, and the settlement would be for the actual area of the holding. If, however, the holding comprised the whole village, including the forest, the exclusion of the forest by the foot-note to the notice could not deprive the Inámdár of his right to the summary settlement in respect of that forest.

V In the case of the village Khadasli, must the entry of the words 'Sabandh Gaon,' without any reference to forests in the notice of settlement, be construed as an extension of the settlement to forest land notwithstanding that Government had previously decided that the inámdars had no right in the forest land ?

" I cannot advise on this limited statement of facts. It is not said whether the Inámdár held the forest or not, or whether he accepted the offer of summary settlement or whether any sanad has been granted.

VI Does the unauthorised taking of the kabulayat regarding the forest land in Barsangi have the effect of extending the settlement to such land or does it constitute an agreement outside the settlement which is binding on Government ?

" Here the kabulayat has been taken so long ago as February 1875.

" The foot-note to the notice reserving forest right was, as before stated, *ultra vires*, and the circumstance that no proof was given that the Inámdár held the *vahivat* of the forest or that his sanad gave no forest rights, cannot affect the validity of the kabulayat—(vide my reply to question No. 3.

VII If the settlement made regarding the village of Milho was based on a misapprehension, can the mistake be now rectified ?

" It would not appear that any settlement has been made. But it would seem that the Inámdár is in possession and if that be so, notwithstanding his sanad, he would be entitled to the forest under the Act.

VIII In the case of Ambitghar and other villages, would the permission to cut given by the Conservator of Forests be held to prove possession of the forest land ?

" Before I could answer this question satisfactorily I must know something more of the facts. It may be that

a question had arisen respecting the Inámdár's right to the forest and that the Conservator of Forests without definitely deciding upon those rights gave him leave to cut; if so, this would be equivalent to admitting the Inámdár's right to possession.

IX. In the case of Sharakati villages in which forest rights in half the villages have been conceded to the inámdár, but where there has been no demarcation, can Government take over the management of the forest under section 79 of the Forest Act?

"Act VII of 1878, section 79, enacts that if Government and any person be jointly interested, I think 'jointly interested' is intended to apply to cases where there is unity of possession by Government and the Inámdár of the forest in question, not to cases where (although there is no line of demarcation) it can be said Government is entitled to one portion and the Inámdár to the other."

(Government Resolution No. 6674 dated 8th September 1883.)

374. The following rules proposed by Mr. Gordon, Collector of Thána, for assessing forests in inám villages in the district for the purposes of the summary settlement were approved by Government:—

Rules for
assessing
forests in
inám
villages
in Thána

(1) One-third of the produce being first deducted for the cost of conservancy, the Inámdár will pay Government one-eighth of the remainder of the produce whenever he cuts his jungles.

(2) The Inámdár will report to the Collector beforehand the kind of wood he is about to fell and the duration of the fellings.

(3) The Inámdár will give passes according to such orders as may be issued by the Collector. Wood sent without a pass may be dealt with as Government wood.

(4) The Inámdár will show the *bond fide* receipts of the forests and will keep such accounts as he may be ordered to keep.

(Government Resolution No. 254, dated 23rd January 1885.)

NOTE.—Kabulayats made with Inámdárs under the above rules are contracts outside Rule 2 of section 6 of Act VII of 1863. (Government Resolution No. 8640, dated 24th October 1885.)

Levy of
judi on
sale pro-
ceeds of
minor
produce
in Inám-
dár's
forests

375. The decision of the question whether judi can be levied from Inámdárá on the proceeds from the sale of such minor produce as leaves of apta, temburni and pallas trees, hirdas, shukakai, etc, growing in their forests must rest in each case on the terms of the agreement executed by the Inámdár, and a general rule cannot be laid down without regard to the agreement, but when an Inámdár has agreed merely to pay judi on timber or on "cuttings" judi cannot be levied on profits derived from minor forest produce. (Government Resolution No - 6632, dated 8th September 1883.)

PART V.

Management and Working of Forests.

CHAPTER XXXVI.

(a) WORKING PLANS.

376. The value of, and necessity for, working plans On the carefully prepared and drawn up on a scientific basis appear ^{import-} to be unquestionable. Without such a definite scheme of ^{ance of} operations founded on careful calculations, after personal ^{working} inspection and examination, there is a serious risk of the forest capital being unduly drawn upon and of excessive cuttings being made in the present which after the lapse of a few years might lead to a partial collapse of forest revenues. There is also the danger, though this is less to be apprehended, that forests may be worked below their capabilities, and that income may thus be lost which might safely have been earned. (Government Resolution No. 4611, dated 8th June 1885.)

377. Working plans shall, as far as practicable, be Prepared for all forests or collections of forests, whether ^{to be} reserved, protected or unclassed, under the management of ^{followed} the Department provided that they are being or about to be ^{when it is} exploited. Their preparation will be carried out by local ^{proposed} agency and under the general or special orders of Government; ^{to frame} but in order to ensure that plans may be drawn up according ^{working} to correct principles, the Conservator shall submit to the Chief Conservator before, or as soon as possible after, the commencement of operations, a preliminary report. This report will contain a short description of the forest for which it is contemplated to frame a working plan, facts relating to their management, working, and reproduction, the future treatment recommended, with the reasons for the same; propositions regarding the basis on which it is intended to build the plan of exploitation and management (whether on area, material, or material with area-check); and proposals with regard to valuation surveys. A small scale sketch map showing roughly the proposed working circles and any other information that can conveniently be included, with the object of more clearly setting forth the proposals for future working than is possible by manuscript description alone, should accompany the report. The Chief Conservator will retain this report, and communicate his remarks thereon to the Conservator. The Chief Conservator may at any time

during the preparation of a working plan consult the Inspector General of Forests on any technical point. Conservators should consult the Chief Conservator on all important technical points connected with the elaboration of working plans.

Directions regarding the technical part of the preparation of working plans

378. The Chief Conservator may issue, in the form of circulars or otherwise, directions regarding the technical part of the preparation of working plans.

Areas for which separate working plans shall be prepared.

379. The area for which each separate plan of management or working plan shall be prepared depends on the circumstances of each case, but, as far as possible, the plan should deal with all the forests situated in one locality and the entire area of each forest in that locality. This area may consist of a sub-division, a range, a division, or of merely a beat or group of beats, and shall be divided into as many working circles as may be necessary, extensive tracts which it may not be deemed expedient to work being relegated to a separate circle or circles.

Working Circles

380. (1) A "Working Circle" is, as a rule, an area subjected to one and the same cultural treatment, and which it is proposed to exploit separately by means of distinct series of operations. Exceptionally, where the composition and distribution of the crop render thus advisable a working circle for which a definite method of treatment is prescribed may overlap portions or the whole of other working circles for which other distinct methods of treatment are prescribed. Working circles may consist of one or more felling series, i.e., areas comprising a complete series of coupes, each felling series being worked independently of the others. If the desired object can be obtained by the formation of several felling series the multiplication of working circles is unnecessary and should be avoided.

Coupes

(2) A "coupe" is the area set aside to be operated on in a single year and may or may not constitute a permanent sub-division of a forest.

Blocks

(3) "Blocks" are main divisions of a forest and should be indicated by local names. Their boundaries may conveniently be made to coincide with those of administrative charges, such as Ranges or Beats.

*Tracts which it is not proposed to work immediately may also for convenience, be considered as forming working circles.

(iv) "Compartments" are smaller divisions. Where a forest is divided into compartments, their boundaries, as a rule, should be either natural features—such as streams, spurs or ridges—or existing land marks—such as roads, rides, fire lines, etc. The detailed analysis and description of a forest may necessitate the formation of sub-compartments, but the boundaries of these more minute sub-divisions should not be permanently marked out on the ground.

(v) "Blocks" should be indicated by local names, "Coupes" by Roman numbers, "Compartments" by Arabic numbers, "sub-compartments" by small letters added to the number of the compartment, thus :—

"Bhagwati IV. 18, c" would indicate,

Bhagwati Block, Coupe No. IV, Compartment No. 18, and sub-compartment c

Compart-
ments

Design-
ation
and
number-
ing of
blocks
and
compart-
ments

Terms
used in
describing
fellings.

381. The following are the terms to be used in describing fellings :—

(a) REGENERATION FELLINGS.

Fellings made with the view of replacing the existing crop of trees by a new crop. These are classified in accordance with the method of treatment as follows :—

(1) *Regular Fellings*, whereby it is sought to produce, by natural means from self-sown seedlings, a new crop regular in its constitution. Such fellings may be "preparatory" "secondary" etc., or final and all but the last may be either "close" or "open".

(2) *Selection Fellings*, which consist in the methodical removal of the exploitable trees in a forest, either singly or in groups, with a view to producing, by natural means from self-sown seedlings, a new crop irregular in its constitution.

(3) *Coppice Fellings*, of which the object is to produce a new crop composed of shoots and suckers from the stools and roots of the trees felled. Such fellings may either be "clean" in which case "simple coppice" is produced; or a certain number of trees may be reserved as "standards" over the coppice, in which case the resulting crop is called "coppice with standards".

(4) *Clean Fellings*, made with the view of restocking the area felled by planting or sowing it.

(b) AMELIORATION FELLINGS.

(1) *Improvement Fellings*, which consist in the cutting out of ill-grown or injured trees, or trees of inferior species, with a view to their being replaced by sound coppice or by seedlings of a better kind or in order that the blanks so caused may be planted up.

(2) *Thinnings*, which consist in the removal from an immature crop, of stems of either the principal or accessory species in order to give the crop of the future more room for unconfined growth.

(c) UNCLASSSED FELLINGS.

Unclassed Fellings, include the unmethodical removal of trees by right-holders or grantees, or by purchasers, under permits or trade licenses. (Government Resolution No. 6887, dated 13th September 1889.)

General
rules for
the pro-
paration
of work-
ing plans

382. (a) The Working Plan shall as far as possible or necessary be drawn up on the following lines:—

INTRODUCTION.

PART I.—SUMMARY OF FACTS ON WHICH THE PROPOSALS ARE BASED

CHAPTER I

The tract dealt with

Name and situation.
Configuration of the ground.
Geology, rock and soil.
Climate.
Water-supply.
Distribution and area.
State of the boundaries
Legal position.
Rights and Concessions

CHAPTER II

The Forest.

Composition and condition of crop (to be a general description).

Injuries to which the crop is liable.

CHAPTER III.

Utilisation of the produce.

Agricultural customs and wants of the population.
 Markets and marketable products.
 Lines of export.
 Methods of exploitation and their cost.
 Past and current prices

CHAPTER IV.

Staff and labour supply.

CHAPTER V.

General history of the forest.
 Past systems of management and their results.
 Special works of improvement undertaken.
 Past yield.
 Past revenue and expenditure.

CHAPTER VI.

Statistics of growth and yield.

NOTE.—To include allotment to quality classes, mean annual increment, current annual increment, yield tables, etc

CHAPTER VII.

Estimate of capital value of forest.

PART II.—FUTURE MANAGEMENT DISCUSSED AND PRESCRIBED

CHAPTER I.

Basis of Proposals.

General objects of management and brief statement of method of treatment as regards—

- (a) the attainment of the normal forest and the establishment of normal regeneration ;
- (b) the silvicultural requirements of species dealt with ;
- (c) the yield of timber and other forest produce ;
- (d) the improvement and regulation of water-supply.

Working circles, their area and distribution, reasons for their constitution.

Period of working plan and necessity for intermediate revision.

CHAPTER II

Working Plan for working circle.

NOTE—Separate Working Circles will be made for Timber, Fuel, Bamboos, and minor forest produce as may be considered necessary

General constitution of the circle and character of the vegetation.

Blocks and compartments (permanent).

Analysis and valuation of the crop.

Method of treatment (Exploitable size, choice of species, sylvicultural system, calculation of the rotation, division into periods, allotment to periodic Blocks, felling cycle, calculation of the yield).

Method of executing the fellings.

Tabular statement of fellings to be made

Subsidiary sylvicultural regulations (sowing, planting, weeding, cleaning, thinning, and supplementary fellings).

Other regulations (grazing, protection, exercise of rights and privileges, collection and record of statistics).

Forecast of condition of crops at conclusion of fellings

Chapters for all other Working Circles.

CHAPTER III

Miscellaneous regulations (prescribed and suggested).

Roads and other export works.

Improvement of water-ways and water-supply and methods of exploitation.

Buildings.

Maintenance of boundaries

Surveys and maintenance of maps

Possible development of forest industries.

CHAPTER IV.

Establishment and labour—including forest villages.

CHAPTER V

Control.

Forms, records and maps, including Forest Journals if prescribed.

CHAPTER VI.

Summary of prescriptions.

APPENDICES.

Only those appendices required for the elucidation of the plan should be printed therewith.

(ii) The year for which operations are prescribed (or estimates made) will, in the absence of special sanction as for the annual plan of operations (Article 41 of Volume (1). be the forest year.

(iii) The amount of detail requisite in the compilation of the working plans will depend upon the demands which are made on the forests, the nature and value of the produce removed from them, and the other purposes which they are to fulfil. To obviate the necessity for frequent applications for sanction to petty deviations, working plans should usually contain prescriptions permitting, so far as is desirable, and under such local regulations as the Conservator may consider necessary, the extraction of dead and fallen trees, wherever found and the felling, in convenient localities, of trees required for departmental works. Similarly the extraction of trees felled in the course of construction or repair of roads and paths and in the clearing or maintenance of rest-house compounds and camping grounds and of fire and boundary lines should be provided for.

(iv) Where the demand exceeds or even equals the possible outturn, working plans must be prepared with the greatest minuteness, and everything must be arranged so as to obtain the highest outturn or annual income which the forest is capable of returning under the most careful management. Where on the other hand, the demand is as yet below the ordinary capability of the forest, a more simple and expeditious procedure may be followed.

(v) with a view to bringing all important forests for whose produce a demand exists or is likely to arise in the near future, as soon as possible under systematic management, the first working plans may be of a simple description and based on such data as may be readily obtainable, to be succeeded by more accurate plans as the detailed information required for their preparation becomes available.

(vi) The officer who prepares a working plan will be held responsible for the accuracy of the statistical information it contains; provided that in cases where the conditions are such that the collection and record of such information can safely be entrusted to his subordinates, the names of such subordinates shall be mentioned in the working plan. The Working Plans Officer must under any circumstances make a personal inspection of all portions of the area dealt with, which it is proposed to exploit under the provisions of the plan, and satisfy himself that all information, however collected, in respect of such portions is accurate.

(vii) It is desirable that a careful examination and report should be made of the present and the possible influences of the forest tract upon the climate and water-supply of the country that the objects sought to be attained in the management of the area should be fully specified and that the treatment prescribed should be in accordance therewith. It is also of importance that the collection of data and upkeep of records should be continuous and accurate. With this object suitable localities for the measurement of spring levels and of rainfall should be specified and the erection of permanent bench marks from whence bearings can be taken in order to record alterations in width of water-ways and in variations of high and low water should be prescribed. The Working Plans Officer will, during his inspection of the area, compile a list of water courses originating in or flowing through the forest, giving a short description of each and noting whether the water-supply is perennial and its approximate volume at the time of his visit.

Working
Plans
Officer
should
inform

383. When a Divisional Forest Officer, Working Plans, enters a Collectorate to work there for a time, he should write to the Collector and inform him of his arrival and of the nature and extent of the work he is about to undertake within the

Collector's jurisdiction. (Government Resolution No. 5900 of 11th July 1894.)

Collector of his arrival in the district

384. (a) The Officers in charge of local Working Plans Divisions will be subordinate to Conservators who are responsible, within their respective circles, for the preparation of working plans.

Procedure when a working plan has been drawn up

(b) When a plan has been drawn up the Working Plans Officer should send it through the Divisional Forest Officer concerned, unless he is himself the Divisional Forest Officer, to the Conservator, who after correcting all the technical details and otherwise making the plan scientifically correct should countersign it and forward it to the Collector and Commissioner for approval or any corrections they may deem necessary on administrative grounds. The latter officers will, if they find the plan unobjectionable, sign it in token of general approval and return it to the Conservator. When such approval is modified in any material particular the endorsement to be countersigned will be "approved subject to remarks in ". (Government Resolution No. 3735 of 10th June 1903.)

(c) When the plan has thus been generally approved the Conservator will submit it (in duplicate) finally printed off, to the Chief Conservator who will forward it with his opinion and remarks to Government. The final scrutiny and check of forest working plans before submission to Government for sanction will rest with the Chief Conservator. To obviate the possible necessity for numerous amendments in a finally printed off working plan, the Chief Conservator may, when he considers this desirable, in any particular case, order that a typewritten copy or a proof of the plan shall be submitted to him for examination. Any such order should be given when the Chief Conservator's remarks on the preliminary report are communicated to the Conservator (Article 377).

385. Copies of sanctioned working plans will in all cases be forwarded to the Inspector General of Forests for information and record.

Copies of sanctioned plans to be supplied to Inspector-General who may point out defects

The Inspector General of Forests will be at liberty to bring defects in working plans to the notice of Government. (Government Resolution No. 6286, dated 4th July 1911.)

* Government Order No. 5512, dated 31st May 1919.

Rotation of coupes fixed in working plans should not be altered 386. The rotation of coupes as fixed in a sanctioned working plan must be adhered to unless, for very special reasons, it is considered necessary to alter the fixed order, in which cases the previous orders of Government must be obtained. (Government Resolution No. 9051, dated 22nd December 1903.)

Deviations from sanctioned working plans 387. The Chief Conservator may sanction deviations from an approved working plan not amounting to an alteration of the general scheme of management. Copies of all orders issued in this connection should be communicated to the Inspector General of Forests. Similarly, the Inspector General should be informed immediately of all orders issued by Government, the Chief Conservator, or Conservators, sanctioning such deviations, and of all changes in the areas covered by working plans, the name, page, and paragraph of the plan concerned, the reasons for the deviations, the authority sanctioning them, and the year or years in which they take effect being stated.

NOTE.—For forms to be kept up for the control of sanctioned Working Plans read article 16 of Vol I of the Manual

Procedure in revising working plans 388. The same procedure should be followed with regard to alterations in character of exploitation, extensions, and revisions of existing working plans, as is prescribed in the preceding Articles with regard to the compilation of original plans. Copies of all the amendment slips should be supplied to the Inspector General of Forests.

Previous notice should be given to forest villagers of proposed closure of a coupe 389. Previous notice should be given to forest villagers of proposals to close any particular area when being treated under the coupe system, so that they may have ample time to lay a complaint regarding any hardship, such as access to water, etc., which may arise by such a closure (Government Resolution No. 9051, dated 22nd December 1903.)

Divisional Forest Officer need not apply for sanction to close coupes when fixed in regular rotation 390. When once a working plan has been sanctioned by Government it seems unnecessary that the Divisional Forest Officer should refer to the Collector for special sanction on each occasion before a coupe is exploited and closed in accordance with the fixed rotation. Closure should, however, not be inflicted for punitive purposes, without the consent of the Collector, and, as laid down in article 386 above, any departure from the fixed rotation requires the sanction of Government. (Government Resolution No. 9051 dated 22nd December 1903.)

391. So long as local supply is not affected and the wants of the villagers can be otherwise provided for, a matter ^{Orders regarding the felling of coupes.} regarding which the Collector is best able to judge, the Government will not insist on departmental felling of coupes for the produce of which there is no demand. It is most desirable, however, that, as far as possible, the coupes should be felled in regular rotation; otherwise the regularity and the orderliness of the rotation system is lost, and it is deprived of its main advantage when, owing to areas that should have been cut in previous years being left standing, the Conservator's forecast of the area to be cut, and therefore, of the quantity of timber, he has to put on the market, is upset. Where a coupe has not been felled in its proper year, every effort should be made to dispose of it in the following season. (Government Resolution No. 4944, dated 8th July 1893)

392. The local circumstances of the Konkan make it ^{Size of coupes in the Konkan.} necessary that the unit of working area should be comparatively small, and that the annual fellings should be numerous and widely distributed. The importance of decentralising forest labour is obvious in a tract where the local demand for forest produce for domestic and agricultural purposes is exceptionally large, and where so large a proportion of the population depends mainly for its subsistence on the wages earned by felling, carrying and distributing such produce. Forest blocks as well as compartments must also be of small size, so that the open portions of forest available for grazing may be within convenient distance of the different forest villages. The success of the system now under trial for supplying the cultivators with loppings for ash manure from the annual coupes also clearly depends as much on the number and situation of the coupes as on the actual quantity of such material made available. Government recognises the necessity of cutting compartments when due, and expects that the Revenue Officials will cordially co-operate in inducing the cultivators to utilise the lab material obtainable from the fellings to the fullest possible extent consistent with the due protection of the coupes. The conservation of the young growth in the coupes is a matter of serious importance, and the measures adopted to secure the object in view should be specially noted in the Forest Administration Reports. (Government Resolution No. 3609, dated 25th April 1892)

393. Coupes should be kept about 2 "gunthas" inside ^{Procedure to be} all frontier boundaries, to save the occurrence of boundary

followed in laying out coupes on a frontier Principles to be observed in preparing the Working Plan

disputes. (Government Resolution No. 5900, dated 11th July 1891.)

394. In organized forest (1) the period of closure of coupes should not ordinarily exceed ten years, but may be extended to longer periods when successful regeneration cannot otherwise be obtained, (2) the arrangements which are best in the interest of the villages will be made for regulating the closure of coupes and their subsequent opening to grazing, (3) no area will be closed which is within 50 feet of a right of way to water; (4) no area will be closed within a quarter of a mile of a village, unless the Collector is satisfied that no inconvenience will be caused to the people, and in unorganized forest (1) no area will be closed to grazing unless for some special reason, and (2) ordinarily the area will be treated primarily as grazing ground and plans for working it will be prepared on that basis. The matters referred to in (1) and (2) in the case of organized forest should be dealt with by the Working Plans Officer when drawing up plans. Each plan would then be dealt with on its merits (Government Resolution No. 5960, dated 15th October 1910, and Government Order No. 1752, dated 5th May 1916)

Working Plans officer should be given other additional work when Working Plans division is not fully occupied his time

395. While a Working Plans division is maintained it ought never to be the case that there is no Working Plan under preparation or revision. If owing to the exigencies of the service, the officer placed in charge of the Working Plans division of any circle is not fully qualified to conduct the work of that division, it rests with the Conservator of the circle to supervise the work of the Working Plans Divisional Officer, and if the work of that officer in connection with working plans is not sufficient to employ his time fully, it rests with the Conservator as head of the circle, to assign to him such additional work as may enable his time to be fully occupied without detriment to the progress of the proper work of his division, viz., working plans. (Government Resolution No. 5157 of 30th May 1911)

Working Plans division and for the different circles

396. The working plans sanctioned from time to time in the different Circles are given in Appendix IV.

(b) FOREST MAHALS

397. The following statement shows the particulars of Forest Mahals in the different Circles :—

Name of Mahal	Name of		Government Resolution sanctioning the Mahal.	Powers assigned to Forest Officers in the Mahal
	Civil District	Forest Division		
	in which the Mahal is situated.			
Northern Circle.				
Peint taluka .	Nasik .	West Nasik	361 of 5th February 1920	The Divisional Forest Officer is <i>ex officio</i> Assistant Collector in charge of the taluka.
Central Circle				
Akrami .	West Khandesh.	North Khandesh	Government Resolution No 12020, dated 24th November 1908	Range Forest Officer and Divisional Forest Officer as <i>ex officio</i> Mahalkari and Assistant Collector respectively and the Divisional Forest Officer as Second Class Magistrate.

NOTE.—In the North Khandesh Division of the West Khandesh district for forest settlements, the Range Forest Officers of Shurpur East, Shurpur West, Shahada and Taloda shall, in their respective ranges, exercise the powers of a Mahalkari in respect of Land Improvement Loans Act (XIX of 1883) and Agriculturists' Loans Act (XII of 1883) (Government Order, Financial Department, No. 3703 of 27th November 1917.)

Name of Mahal	Name of		Government Resolution sanctioning the Mahal	Powers assigned to Forest Officers in the Mahal
	Civil District	Forest Division		
	in which the Mahal is situated			
	<i>Southern Circle</i>			
Devikop	Dharwar	N D Ka	2832 of 7th March 1917	The Divisional Forest Officers in charge of the Forest Mahals exercise the powers vested in an Assistant Collector under the Land Revenue Code.
Varnoli	Kanara	"	6110 of 19th June 1916	
Kulgi	"	"	"	
Dandeli	"	"	"	
Bilki	"	E D Ka	7726 of 22nd April 1916	
		nara		
Kirwatti		"	6353 of 26th June 1916	
Kargod	Dharwar	"	2832 of 7th March 1917	
Supa	Kanara	W D Ka	6110 of 19th June 1916	
		nara		
Mahume	"	S D Ka	630 of 21st February 1920	
		nara		
Mogod	"	"	630 of 21st February 1920	
Belgaum	Belgaum	Belgaum	7791 of 31st March 1915	
Khanapur	"	"	"	

(c) FORESTS UNDER THE MANAGEMENT OF THE REVENUE DEPARTMENT.

Revenue received from forest pastures under the management of the Revenue Department should be credited to Land Revenue.

398. The receipts from dry-wood, trees and grazing in forest pastures transferred to the control of the Revenue Department should be credited to "Land Revenue". (Government Resolutions Nos. 5810 of 25th August 1903 and 8270 of 25th November 1903.)

399. When the pasture lands are in charge of the Revenue Department and the dues are collected by that Department the revenue should be treated as 'I—Land Revenue' but that in cases in which the lands are in charge of the Forest Department, and the fees are realised by Revenue Officers as mere agents of the Forest Department, they should be credited to Forest. (Government Resolution No. 1335 of 19th February 1901.)

from payments in charge of Forest Department should be credited to Forest even when collected by Revenue officers.

(d) PROTECTION OF FORESTS.

400. The question of forest protection, always a troublesome one, presents special difficulties in the Bombay Presidency, owing to the nature of the forests and the manner in which they are interspersed with cultivation. On the one hand it is imperative that the forest property of the State should be efficiently protected, or the danger may arise that the areas reserved become forests in name only, and of no practical use to the country; while on the other hand, the population should not be treated with harshness. The position is rendered more difficult by the fact that some of the most pernicious forest offences are trivial if taken individually, but assume dangerous proportions if considered in the aggregate. (Government of India, Revenue and Agriculture, No. 927-F., dated 28th August 1893, *vide* Government Resolution No. 7286, dated 6th October 1893.)

On the necessity for protecting forests

401. When the open portions of a forest block are at an inconvenient distance from any village, and the closed areas are conveniently near, there will always of course be a temptation to drive cattle into the latter. Wilful trespass of this kind must be prevented by all possible means. If the present pound fines are found not sufficiently high to be deterrent, the question of raising them under the provisions of section 70 of the Forest Act will be considered. But in any case the temptation should be removed, as far as possible, by taking measures, as early as possible, in each season to clear away all grass from the closed coupes either by permitting the cultivators to remove it, under proper supervision, for rāb and fodder, or through the agency of contractors. This measure is also very necessary in connection with fire protection. (Government Resolution No. 1899, dated 13th March 1891.)

Measures to be taken for preventing cattle trespass in closed areas near villages

NOTE.—For further orders on the subject of cattle trespass read articles 120 and 199 to 204.

Regard
ing petty
offences

402. The prosecution of petty offences against the Forest Act should be discouraged as leading to a great deal of petty oppression. Government would, therefore, press on all Magisterial and Forest Officers the necessity of using great caution and judgment in regard to such offences. For the benefit of the general public and the country at large, Government are bound to do all that lies in their power to recover the forests from deteriorated condition into which, by the uncontrolled action of villagers, they have fallen throughout the Presidency. In carrying out this policy efficiently, the villagers must be treated with a certain amount of leniency which appears to them harsh after the liberty they for so long enjoyed and abused, but Government trust that Commissioners, Collectors and Forest Officers do as far as they can, and in future will try still further to act in a discreet and judicious manner. (Government Resolution, Judicial Department, No. 61 of 6th January 1883.)

Forest
conservation
depend
on co-
operation
of people
Need for
discrim-
ination in
treating
offences

403. Forest Conservancy will never be effective if the people, who live in or near the forests, are opposed to it. Their co-operation may be enlisted by considerate treatment, while injudicious severity inevitably creates a spirit of antagonism. No Magistrate of ordinary intelligence would dismiss a case of wanton destruction of seedlings as trivial on the ground that the wood after being cut would fetch a small price, and the District Magistrate should take steps to prevent any such failure of justice. On the other hand, the Officers of the Forest Department should be enjoined to act with discrimination in bringing prosecutions. (Government Resolutions Nos. 658 of 25th January 1883, and 8810 of 30th November 1883.)

NOTE.—For further orders regarding principles to be observed in the treatment of offences read articles 187 to 191, and for orders regarding fire offences and fire protection read articles 100 to 110 in Part II.

CHAPTER XXXVII.

FOREST PRIVILEGES.

(1) GENERAL RULES

Policy
regarding
grant or
curtail-
ment of
forest
privileges

404. In its management of forests the ease and contentment of the people is an object of greater solicitude to Government than the realization of revenue, and while no relaxation of precautions necessary for the conservation and reproduction of the timber and firewood supplies can be permitted and the Forest Officers must be vigorously supported

in resisting unauthorised encroachments. Government have no desire to increase their forest revenue by the curtailment of conceded privileges or of local supply, or by the levy of excessive charges for grass and other minor forest produce. The benefit of any revenue so obtained would be altogether insufficient to countervail the hardship and irritation that would be caused were the rayats unduly pressed in the matter of obtaining rāb and firewood, grazing for their cattle or grass for thatching and other household purposes (Government Resolution No. 650, dated 26th January 1891.)

405. Privileges pertaining to each Division are either sanctioned by Government or in some cases by the Collector of the District. Who can sanction privileges

406. The Conservators and Deputy Conservator of Forests in charge of circles are authorised to order a temporary extension of forest privileges. The Commissioner in Sind and the Commissioners of Divisions are authorised to order temporary withdrawals of privileges. (Government Resolution No. 8885, dated 3rd October 1910.) and withdrawal of privileges

407. The Collector can suspend or withdraw such privileges temporarily in special cases where authorised by privilege codes or rules for each district (*vide* Appendix V). Collector may suspend or withdraw privileges in special cases

408. Government have always made it a point while formally conceding liberal privileges on the completion of forest settlement to communities which are reported to have enjoyed them, though as a matter of favour and not of right, for many years past, to make it clearly understood that such privileges are intended to be exercised as of favour only and are subject to withdrawal at any time (Government Resolution No. 2232, dated 12th April 1888.) Privileges are granted as a matter of favour, not right.

409. Privileges which are exercised as of favour should be defined in terms as exact and precise as possible, as is done with rights recorded in a forest settlement, and whenever possible, a definite term should be fixed for their enjoyment. (Government of India, Revenue and Agriculture, No. 652-F., dated 19th July 1888, *vide* Government Resolution No. 5016 dated 27th July 1888) Privileges should be clearly defined.

410. With a view to guarding against privileges growing into rights it is desirable to secure the distinction between privileges and rights by fixing some definite period at the end Privileges should be granted

for
discontinu-
ance

of which the question should be again considered of the continuance of the privileges for a further period (Government of India, Revenue and Agriculture, No 509-F, dated 7th June 1889, *vide* Government Resolution No. 4619, dated 3rd July 1890)

Land price
to be
charged
for forest
produce
supplied
in excess
of that
admissible
under
rights

411. The question of granting forest produce free or on specially favourable terms, is a matter for consideration quite independently of the assessment of the Land Revenue, which should under no circumstances be enhanced at the expense of forest produce, the property of the State granted free. The principle to be kept in mind in dealing with the requirements of the people is that a fair price is to be charged for all forest produce, including that consumed in lab cultivation, which may be supplied in excess of the quantity to which the people may be legally entitled by virtue of admitted rights (Government of India, Revenue and Agriculture, No. 111-F, dated 23rd May 1890, *vide* Government Resolution No. 4619, dated 3rd July 1890)

Govern-
ment
abandon
no part
of their
propri-
etary
rights by
granting
privileges

412. (i) Privileges as to forest produce and pasture and use of natural agents, not being at the time of concession or recognition by Government a part of the property or legally annexed as of right to the property of those to whom the concession or recognition may have been made, are to be deemed for all time indulgences or licenses revocable at pleasure by Government, which has no intention when permitting advantages to be enjoyed or benefits taken by means of forest privileges so allowed by it to abandon any part of its proprietary rights or any of the incidents thereof or benefits connected therewith

Govern-
ment may
revoke,
curtail or
discontin-
ue
privileges

(ii) It should be clearly understood that all forest privileges sanctioned by Government are liable at any time at the pleasure of Government to modification, curtailment or discontinuance, and that the exercise of such privileges is subject to revision whenever Government may consider such a course necessary

Revision
will
ordinarily
be made
at the
revision of
Survey
Settle-
ment

(iii) Ordinarily such revision will be made at the revision of the Survey Settlement, unless cause appears to the contrary but should Government deem a revision at any intermediate period or at decennial intervals to be rendered requisite by special circumstances, a revision will be effected at such period or interval. Where a revision of privileges previously accorded is held to be desirable either at a Revision Survey Settlement or at any time other than that of the revision survey settlement, a full report, showing why such revision

is regarded as advisable and what changes are proposed, should be furnished to Government by the Local Land Revenue and Forest Department Officers through the Conservator of the Circle and the Commissioner of the Division. (Government Resolution No. 4619, dated 31d July 1890.)

413. It is impossible to lay down a rule which shall be universally applicable, but it must be understood that no one should be prohibited from drawing water obtainable in a forest reserve in cases where it is not procurable elsewhere, within a reasonable distance. (Government Resolution No. 4345, dated 23d November 1866.)

414. As to the supply of wood, any favour as to price enjoyed by any class should not be abruptly cancelled without careful consideration and reference to Government. The Commissioners are authorised to relax the rates of fees for forest produce leviable under special privilege rules sanctioned by Government if in any case they should find the rates higher than the people can well afford to pay. (Government Resolution No. 2252, dated 7th April 1881, and No. 2259, dated 28th March 1893.)

415. The proposal that the cutting and removal by hand of grass from closed forest areas should be permitted seems reasonable to Government on the grounds that the saplings might be choked by the rank growth of grass which, if set fire to, would destroy much valuable wood. It would be well if the rayats could be induced to take away such grass for rāb, fodder or provender. This is a matter which the Commissioners should settle according to their own discretion. Care should, however, be taken, in case such a concession is made, to secure the intervention of the Forest Officers if the people abuse the privilege of grass cutting so as to injure the young wood. (Government Resolution No. 1631 dated 31d March 1891.)

RĀ'B, DĀLHĪ AND KUMRĪ CULTIVATION.

(1) Rāb.

416. (1) The cultivators must undoubtedly have "rāb" and it will be the duty of the Forest Officers to make arrangements accordingly. [See appendix V-7 as to arrangements made in Thāna.] If a sufficiency of "rāb" cannot be obtained from grass and leaves, etc., the cultivators must be allowed, under proper supervision, to cut it in a portion of the Government forests.

Areas subject to collection of material for rāb should be worked under a fixed rotation (n) The Forest Officers must take every precaution to guard against the abuse of this necessary concession. Access to the reserves should be permitted in rotation, one portion at a time being entirely closed. The question of the exact proportion to be closed should, Government think, be left for settlement by the Conservator in communication with the District Officers (Government Resolution No. 1182, dated 18th March 1879)

Rāb cutting should be controlled and reduced to narrowest limits 417. The practice of rāb cutting is incompatible with the treatment of forests for other purposes; and every effort must be made to reduce it to the narrowest limits by insisting that wherever rāb lands have been granted outside the limits of State Forests, they should be treated rationally for the purpose for which they were ceded, probably as coppice with a short rotation. The Government of India would suggest that fresh forest lands over which no rāb rights exist should not save under most exceptional circumstances, be made over to rāb cutting (Government of India, Revenue and Agriculture, No. 816-F, dated 5th August 1889, *vide* Government Resolution No. 6731, dated 9th September 1889.)

(n) *Dalhi or Kurni*

Dalhi cultivation should be restricted as much as possible 418. It is most necessary, in the interests both of the public generally and of the inhabitants of the particular villages concerned, that the area of land in which Dalhi is permissible should be restricted within the narrowest possible limits, and that every effort should be made to induce the villagers to take to permanent cultivation in lieu of having resort to a method of growing crops which is rapidly destroying all timber and vegetation and converting the hill sides into masses of bare and barren rock. A continuance of the system under which villagers take plots for Dalhi here, there and wherever they might please, would in a very short time longer render any Dalhi cultivation impracticable, as all vegetation would be irremediably destroyed. (Government Resolution No. 7311, dated 20th October 1882)

Dalhi cultivation should be controlled 419. It is essential that the dalhi mode of cultivation should only be carried on under efficient supervision and control, and that the injury resulting from it to forests should as far as possible be minimised. (Government Resolution No. 2782, dated 28th April 1882)

Kurni cultivation 420. (i) The plan of combining kurni cultivation, where it cannot be avoided with the propagation of "*huda*"

or other useful trees meets with the approval of this Government and the Government of India.

should be combined with propagation of birds, etc

(ii) Care should be taken that no reason is given to the kumri cutters to suppose that they have any right in the trees planted by them. (Government of India, Home Department, No. 360-F., dated 28th April 1882, *vide* Government Resolution No. 3351 of 22nd May 1882, and No 5506, dated 15th August 1882)

Kumri cutters have no right to trees planted by them.

421. The following rules are to be observed for regulating the assignment of land for kumri cultivation in districts in which that mode of cultivation is practised.—

Rules regulating Kumri cultivation

(1) The period of fallow should never be less than ten years after cultivation for two.

(2) Personal inspection should annually be made both by the Collector and the Assistant Collector with a view to ascertaining that the prescribed limits of the kumri assignment in each case have not been exceeded

(3) Kumri assignments should never be allowed within 100 yards of streams running as late as December, and on the upper third of the slopes of hills. This rule is to be attended to as far as possible, but it is not to be rigidly adhered to, as in many cases it will not be possible to obtain land for kumri without breaking through such an order. Government do not consider it advisable to leave the duty of inspection entirely in the hands of native subordinates or the officers of the forest Department. Personal inspection by the Collector need not be insisted upon. It will suffice if the inspection is performed by his Assistants. An Assistant Collector in charge of a taluka can without any material difficulty or inconvenience manage to inspect every season the kumri assignment in a few of the comparatively limited number of villages within his charge in which kumri cultivation is carried on. Forest Officers, who are generally on the spot throughout the whole year, should co-operate with the Revenue officials in preventing any infringement of rules on the part of the cultivators. The assignments of land for kumri when once made must be regarded as final and at each kumri settlement it should be clearly and

distinctly laid down that the settlement is final and that no further land can be granted (Government Resolution No. 5319, dated 9th August 1882.)

(2) SPECIAL RULES

Privilege
rules for
different
districts.

422. For Government Orders sanctioning forest privileges in different districts *vide* Appendix V, and for rules regulating privileges in protected forests read articles 147 to 162, Part II.

(3) GRAZING.

(a) General

Examina-
tion of
the
policy
with
regard
to graz-
ing

423. (1) The Governor in Council has had under examination the general question of the stringency or otherwise of the regulations for the administration of the forests in this Presidency, especially in their relation to the provision of grazing for cattle. After a careful consideration of the subject he finds no reason to believe that there is anything in the forest administration of the Province which can form the ground of any legitimate grievance or which calls for special investigation, except the numerous impoundings and prosecutions, largely for cattle trespass, in the Central Circle, as compared with the other Circles. The Forest regulations have from time to time been revised, and the claims of agriculture and the requirements of cultivators have been carefully considered in framing them. The present State regulation of valuable forests grants to the residents of forest villages and others privileges greater than they enjoyed in former times—a fact to which attention was drawn in the orders which were published in Press Note No. 12058, dated 26th November 1908, regarding the conservation of trees in occupied lands in Kolaba and elsewhere. The only question on which further orders appear at present to be necessary is that relating to the grazing rules.

Systems
in force.

(2) There are in force in the Presidency proper two systems under which grazing fees are levied. The orders which are in operation in the Thana and Panch Mahals Districts prescribe a varying scale* of fees for each class of the cultivators' cattle belonging to villages which have contributed no *gavan* to the forests, while resident professional graziers and others in the former district are charged double the rate of fees prescribed for village cultivators' cattle

* *Vide* the scale on page 319.

and in the latter district at the rates specified below †.

	Thána District	Panch Maháls District	
		Western Maháls	Eastern Maháls
	Rs. a. p.	Rs. a. p.	Rs. a. p.
‡For every buffalo	0 8 0	0 3 0	0 2 0
For every cow, ox, horse, mule or donkey.	0 1 0	0 2 0	0 1 0
For every sheep	0 1 0	0 1 0	0 1 0
For every goat	0 2 0	0 2 0	0 2 0
Sucking animals	Free	Free	Free

	Rs. a. p.
†For every buffalo	1 0 0
For every cow, ox, horse, mule or donkey	0 8 0
For every sheep	0 2 0
For every goat	0 4 0

It is left to the Forest officers to determine the rate of fees to be levied on outside cattle, subject to the condition that the rate is not to be lower than that for resident professional graziers and others. The other system which originally applied to the Kánara District and was subsequently extended to the other forest districts in the Presidency proper (exclusive of the Panch Maháls and Thána) prescribes a uniform fee of two annas per head of all animals of agriculturists of forest villages, four annas per head for all animals of agriculturists of non-forest villages and one rupee per head for all cattle of professional graziers. In the forest villages of the Belgaum, Bijápúr and Dhárwár Districts, however the fee for animals of agriculturists has been raised from two to four annas on the ground that the former rate caused a very serious falling off in grazing revenue. In the province of Sind maximum and minimum rates have been prescribed for the different classes of cattle, and it is left to the Deputy Conservator of Forests in charge of the circle to fix the actual rate to be levied within the prescribed limits, in consultation with the Collector or the Deputy Commissioner. Free grazing is allowed in certain tracts, namely in the Panch Maháls and Thána in villages which have contributed *gairan* to the formation of a forest block; in Khándesh and Násik by privilege under settlement and in Sind by right and by privilege. The grazing regulations in force in the Thána

and Panch Maháls Districts and in Sind appear to be working with sufficient smoothness, and the Governor in Council does not consider that any change is needed in them. He is also of opinion that the rights and privileges of free grazing where they at present exist should be continued, but should not be extended. As regards the districts where the Kánara fee system is in force and where there have been complaints about the working of the regulations and representations as to the necessity for the grant of special facilities, the Governor in Council has considered the following suggestions with a view to redressing any possible grievances that may exist—

(1) the total abolition of grazing fees.

(2) the reduction of the grazing fee to a uniform rate of two annas,

(3) the remission of grazing fees in respect of forest pasture and revenue waste lands only;

(4) the material reduction of assessment in respect of land growing fodder for cattle.

Question
of reduc-
tion of
assess-
ment
in respect
of land
growing
fodder

(3) To take the last suggestion first, it is to be noted that in parts of Gujarát where the communal grazing area is little or none, assessed occupied numbers are kept under grass as a more paying crop than any other which the lands could grow. In those parts of Thána and Kolába also which are sufficiently near to Bombay assessed occupied land (warkas) is kept under grass, as this is found to be a more paying use to make of the land than its original use of supplying ráb materials and growing coarse millets. In neither of these instances is any reduction of assessment granted nor would it be proper to contemplate any such concession, seeing that the use made of the land is more remunerative than that in respect of which it is assessed. The grass in both cases is grown for use as fodder, either by the grower himself as in Gujarát, or by purchasers from the grower, as in Thána and Kolába, and also in Gujarát. It follows from these facts that where there is sufficient effective demand for fodder, it pays occupants to devote their assessed land to the growth of grass for fodder without any reduction of assessment. In the Central Division, the Southern Marátha Country and the parts of Kolába out of reach of Bombay, occupied assessed lands are not, so far as is known, devoted generally to the growth of grass for fodder. Occupied assessed lands in the tracts named are used to grow fodder to a limited extent,

the straw of several staple crops, such as jowari, is also very valuable as fodder; but this is quite a different matter from growing grass for fodder as the sole crop taken off the land. These facts point to the absence of a sufficient and effective demand for grass grown on occupied assessed lands, and consequently remission of assessment is not likely to prove to be of any use in encouraging the reservation of occupied lands for grazing or for growing grass for fodder, even if satisfactory arrangements could be made to overcome the considerable administrative difficulties which the grant of such remission would involve.

(4) With reference to the first three suggestions, the revenue collected from grazing fees is an item which it is impossible entirely to disregard. The receipts for the year 1907-08 were Rs 4,79,570. It is clear that the total abolition of grazing fees would involve the sacrifice of so considerable an amount of revenue that it would be justifiable only if the need were very pressing and it were obvious that the resulting encouragement to cattle owners would be proportionately great. The remission of fees in respect of forest pasture and revenue waste only, would entail a loss of revenue which judging by the figures of revenue collected in 1907-08, would amount to one and a half lakhs of rupees a year. The total or partial abolition of fees would render the regulation of grazing a matter of greater difficulty than it is at present, and there is good reason to believe that it is not the payment of a fee but the amount of it when it exceeds two annas in the case of cattle of agriculturists which is felt as a hardship. The fee at present levied exceeds two annas in the forest villages of a few districts only and, beyond the sacrifice of revenue involved, there is no objection to its being fixed at that amount in all districts. The Governor in Council is accordingly pleased to direct that in all districts where the Kánara system is now in force the grazing fee to be levied shall in future be at the all-round rate of two annas a head for horned cattle and one anna a head for goats and sheep. This rate is unquestionably an exceedingly low one for the privilege granted and in no way adequately represents the price of the grass. To abolish the fee altogether would be to deprive the executive of a most useful means of punishing those who obstruct, and rewarding those who assist, forest administration. The raising and lowering of the fees is already in use as an incentive towards fire protection, and it is highly desirable that it should be adopted as a means for protecting forest proper from cattle trespass. The Governor in Council

Uniform
fee of 2
annas for
horned
cattle and
one anna
for goats
and sheep
to be
charged
where
Kánara
system
is in
force

Raising
and
lowering
of fees
for cattle
trespass

is therefore pleased to direct that where the trespassing of village cattle in forest is persistent, the fees should be doubled, and doubled again if one doubling has no effect, and should be halved if the trespassing materially decreases, and remitted altogether if it ceases, provided that the protection of the forest is in other respects satisfactory. The reduction or remission of fees should be for a prescribed number of years only, not for indefinite periods, and on the expiration of the term of reduction or remission the standard fees should be levied, as in villages in which no enhancement or reduction or remission has been necessary. If the trespassing recommences to a considerable extent, enhanced fees should be again imposed. There is reason to hope that people will learn to respect the forest proper if they have to pay for trespassing and are rewarded for abstaining from trespass.

Fees for
cattle
belonging
to profes-
sional
graziers

(5) The Governor in Council does not think that there is any reason for reducing the rate of fees now being levied from professional graziers. A professional grazier is charged higher fees than an agriculturist because he is not an agriculturist, not because he is well-off and can afford it. The agriculturist pays land revenue on the land which he cultivates, and it is proper to charge him only a nominal fee for the valuable privilege of grazing on Government land in order that he may get at a low price the grazing necessary for the cattle which are required for cultivating the land on which he pays land revenue. The professional grazier does not pay land revenue and his cattle are not employed by him for cultivating land, they are kept "for profit"—a term which is well understood as meaning not for the profits to be obtained from agriculture but for the profits to be got from the sale of the produce of the cattle or of the animals themselves, the milk of cows, cow-buffaloes and she-goats, the wool of sheep and skins of goats, the hiring out principally of sheep for the manure which they produce, and the sale of beasts for work or for food. Since the professional grazier's herds and flocks are not kept for cultivation and since he himself pays no revenue to Government other than the fee for the valuable privilege of grazing his beasts on Government land, it is proper to charge him a fee which may be taken to be a fair price for that privilege. The fact that this fee is in most cases eight times the fee charged to an agriculturist is due to the fact that while the professional grazier is charged a fair price for the grazing since he pays no other revenue, the agriculturist who does pay other revenue is left off with a nominal fee. It is not the case that

cattle-keeping by professional graziers is penalised by charging a fee of a rupee per head for their cattle: the fact is that cattle-keeping by agriculturists is encouraged by remission of seven-eighths of the fair price of grazing in their case. A great deal of trouble is caused by the professional graziers allowing their cattle to trespass in forests, and the Governor in Council is of opinion that the higher rate charged to them should be maintained. Government will however be prepared to consider the reduction of the fee in any given case in which it can be shown that the fee is not a fair price for the privilege of grazing cattle kept for profit. They have, in fact, already sanctioned such a reduction in the case of certain *dhangars* and *garlis* in the Sâtara District.

(6) In order however, to obviate the difficulty which is experienced in finding a satisfactory definition of the term "professional graziers" the Governor in Council is pleased to direct that the general rates of two annas and one anna now prescribed shall be levied in respect of all "village cattle" and that the higher rates at present being levied from professional graziers shall be levied in respect of "non-village cattle". The former term will include all cattle owned by persons resident in the village and kept in the village whether for agricultural purposes or for profit, the latter will include all the animals of those persons who move about from village to village grazing their flocks and herds in all the grazing land they come to. The difficulty of deciding who is and who is not a professional grazer will thus disappear and the sole test will be whether the animal is owned and kept in the village or not.

(7) There appears to be considerable uncertainty amongst District Officers as to the extent of grazing to which the right is acquired by payment of the prescribed fee and it seems desirable that this doubt should be removed. The effect of the existing orders is as shown below:—

(1) In villages in which there is no forest at all, the grazing on the revenue waste is ordinarily sold by auction.

(2) In villages in which there is forest of any kind, the grazing on the revenue waste is not sold by auction.

(3) The payment of the prescribed fee entitles the owner of village cattle, whether he is an inhabitant of a forest village or not, to graze his cattle in—

(a) pasture reserves throughout the district,

NOTE.—Fresh fees must be paid for grazing in another district.

(b) all revenue waste within the district which is not specially reserved for grass cutting, or in which the grazing has not been granted free or on payment of a lump sum to a particular village,

[NOTE—Fresh fees must be paid for grazing in another district]

(c) all open forest proper and fuel and fodder reserves within the limits of the taluka or petha in which the village is situated

[NOTE—Fresh fees must be paid for grazing in another taluka or petha]

(1) Owners of non-village cattle i.e. persons who are commonly known as professional graziers, who wander about with their flocks and herds shall be entitled on payment of the fees prescribed for them to graze their cattle in—

(a) all pasture reserves,

(b) all revenue waste which is not specially reserved for grass cutting, or in which the grazing has not been granted free or on payment of a lump sum to a particular village;

(c) all open forest proper and fuel and fodder reserves,

within the limits of the Forest Circle in which they have paid fees provided that such persons may be prohibited from grazing their cattle in such pasture reserves or in such talukas or pethas as the Collector deems fit to close against them.

The fees of Re. 1 per head prescribed to be charged for the grazing of cattle belonging to professional graziers is reduced to 8 annas per head for goats and 4 annas per head for sheep the property of Dhangars or Thilaries when brought for grazing in forest and revenue lands in charge of the Revenue Department in East Khândesh (Government Resolution No. 631, dated 20th January 1912, Revenue Department).

Grazing
in revenue
wastes
not to be
auctioned

(8) The orders issued in Government Resolution No. 1668 of 8th March 1898 were intended to put a stop to the auctioning of the grazing in revenue waste, but do not seem to have been generally observed. Such auctioning ordinarily results in one or two men monopolizing all the non-forest grazing area and levying from the villagers far higher fees than Government are content to take. The practice should now be everywhere discontinued. This order does not apply to the sale by auction of grass for cutting, in the case of *kurans*

and similar areas of special value. Where the amount of revenue waste other than such special areas is insignificant, the grazing on it may be granted free, as, it is understood, is already the practice in some districts. where the quantity is appreciable, and no right to the grazing on it has been acquired by the payment of the general grazing fees, the grazing on the revenue waste should be sold to the village community on payment of a lump sum calculated at the rate of one anna per acre

(9) In applying to the orders regarding the areas in Village which the right to graze is obtained by payment of the and non-general fees the orders contained in paragraph 6 of this village Resolution regarding the rate of fee to be charged, "village cattle" should be understood to include the cattle of a village which by custom are allowed to graze in the forest pasture of a village, or in the revenue waste, not disposed of under paragraph 8, of a village, neighbouring to their own village, and "non-village cattle" should be held to apply only to the cattle of Dhangars and others who by custom pass on from village to village in search of grazing and do not return to their own homes at night.

(10) The enhancement and reduction of the grazing fee Enhance- to be imposed or granted on account of much or little trespass, ment and in forest proper in accordance with the orders in paragraph 4, reduction of fees to above may present some difficulty in the case of non-village apply cattle because of their nomadic habits. It should, however, both to be found practicable to make the doubling or quadrupling, village or the halving or remitting, of the fee apply equally to all village cattle, whether village or non-village, admitted to graze in cattle any area in respect to which such alteration of the fees has been ordered:

(11) Except in cases where specific orders to the con-Sheep trary have been issued, sheep and goats, whether village or and goats should be non-village, should be excluded altogether from forest proper excluded from forest proper.

(12) Another difficulty which, it appears, arises in forest Agency administration is the collection and the crediting of grazing for collec- fees and the payment of village officers' remuneration for lion of grazing fees. It is not, in the opinion of Government, possible to make the forest officers collect fees for grazing on lands which are not in their charge. Village officers must be allowed remuneration on fees which they collect before the prescribed date and not on those which they do not so collect.

The present order on these points should be maintained. It should be understood that where the area in which the cattle of a village are admitted to graze is wholly in charge of the Forest Department, the grazing fees of that village should be collected by the forest officers; otherwise the collection of grazing fees rests with the village officers, or if a panchayat is constituted under the next following paragraph, with the panchayat.

Appointed
Forest
village
panchayat
village
control
grazing

(13) Further measures should be taken with the object of interesting the people in the care of grazing grounds both within and outside forest proper. Grazing in forest in charge of the Forest Department must be controlled by forest officers, but it is manifestly desirable that wherever possible they should secure the co-operation of the people in exercising that control. Grazing in areas outside forest proper is in charge of the Revenue Department, which for want of a suitable agency through which to exercise control, has hitherto exercised in fact practically no control at all. In order to supply such an agency the appointment of village panchayats wherever practicable would be a measure of great expediency. Recourse to this measure, for another purpose, has been approved in paragraph 2 of Government Resolution No. 4003, dated 26th April 1909, passed on the Forest Administration Report for the year 1907-08 which was published for general information. Although the panchayats there mentioned may not have any legal status, there is no reason for anticipating that they will be ineffective on that account. In section 27 of the Indian Forest Act Government have the means of giving to such bodies a legal constitution in connection with the management of reserved forests which are in charge of the Revenue Department. It is highly desirable that in any village in which the Collector is satisfied that the material for constituting a village panchayat exists, and in which there is an area of forest classed as pasture not so small as to be unsuitable for special arrangements being made for its management, that area should be assigned to the village community under section 27, Indian Forest Act and constituted a "village forest." For such a forest the rules to be made by the Local Government should prescribe the forming of a village panchayat to manage the forest on behalf of the community to which it is assigned and the entrusting to the panchayat of the duty of regulating the use of the pasture especially by sheep and goats, the periodical closing of portions of the pasture area, especially in June and July, and the

restriction of destructive and wasteful practices. Here once more the grazing fee can be brought into operation as an educative instrument. The fees can be enhanced when the panchayat fails in its duty, and halved or remitted when it does well or excellently. In a village in which the grazing area comprises only forest classed as pasture and revenue waste, and of which the cattle do not by custom resort to any forest proper for grazing, there will be no question of control by the Forest Department. In a village where the grazing area consists of forest proper only, which is in charge of the Forest Department, there can be no panchayat. But in a village in which there is both forest proper open to grazing and also forest classed as pasture, or revenue waste, or both, and in the case of villages of which the cattle are accustomed to resort to the forest proper for grazing, it should be the duty of the forest officer to seek the assistance of the panchayat in controlling the use by the villagers of the forest proper and it should be the duty of the panchayat to co-operate with the officer in checking trespass in forest proper and especially in closed forest. In the rules to be prescribed under section 27, Indian Forest Act, it would probably not be desirable to lay down any fixed proportion between the acreage of pasture available and the number of cattle which should be allowed to graze in "village forests", it would seem preferable to leave the panchayat to do its best for the community in the circumstances existing in the village. (Government Resolution No. 8952, dated 15th September 1909—clauses 3, 4 and 5 of paragraph 7 being amended by paragraph 10 of Government Resolution No. 9360, dated 15th October 1910; and Government Resolution No. 5183 of 3rd June 1914.)

NOTE.—Read articles 135 to 138.

424. For orders regarding closure of forest to grazing Closure of forest to grazing
read articles 208—rule 9, 389, 390 and 394 ing

425. It is the wish of the Government of India and of the Government that there should be as little official interference as possible with the management of the pasture areas. It appears that in practice the two systems, viz., of voluntary arrangements with the villagers as a body and of levying an uniform fee, will work almost uniformly, for on the one hand the lump sum must be fixed with reference to the number of cattle in the village and on the other it may be assumed that every owner will be willing to pay an exceedingly small fee for the grazing regularly or occasionally of each of his animals and it will be to the interest of the body of villagers to prevent Two systems of grazing fees, viz., of lump sum payment and of uniform fee per head of cattle, compared.

grazing for which payment is not made. Accordingly the system of an uniform fee should be generally introduced, but in any case in which villagers prefer to pay a lump sum proportionate to the fees which would be due for all the cattle, and to distribute the liability amongst themselves, that course should be allowed. The fee should be 2 annas per head for all animals of agriculturists of forest villages, 4 annas per head for all animals of agriculturists of non-forest villages and Re 1 per head for all cattle of professional graziers. The amount of revenue derived from this source is of comparatively small importance, but it is essential that the right of Government to charge for the use of the pasture areas should be exercised and maintained. It is true that animals of one class eat more than those of another and are more destructive of the grass, but the same statement holds good with regard to the old and young animals of any class, and it is not possible to charge fees in strict proportion to the benefit obtained. If the people of any villages refuse to accept either of the systems above described, maintaining a claim to free grazing for their agricultural cattle the existing rules should be rigidly enforced, care being taken that the exemption is confined to agricultural cattle. It is most probable, however, that if the advantages and in particular the freedom from interference which are gained from the adoption of a system of lump payment or uniform fee are explained, refusal will not be maintained. Since the lump sum system finds no favour generally, although the experiment made in Poona has proved to be financially successful, Government do not desire further efforts to be made to induce the people to accept a system which they do not want. The present system of grazing fees should continue, but a Collector may in his discretion introduce the lump sum system in any village the residents of which prefer it. (Government Resolutions Nos 1668, dated 8th March 1898, and 9982, dated 10th October 1907)

Disposal
of grass
in Ku-
rans

426. Except in the case of any really valuable grass kurans where it has been customary to sell the grass and grazing by auction, and they fetch a high price, the practice of annual auction should be discontinued.

In respect of valuable kurans, &c., of forest reserves set aside to meet the fodder and grazing wants of large centres of population, the former practice of selling the areas by auction and the orders concerning their disposal are not affected by the rules in Government Resolution No 3595,

dated 23rd May 1890. (Government Resolution No 7467, dated 18th September 1885 and No. 4379, dated 23rd June 1890.)

NOTE—The Government Resolution referred to above relates to grazing rules where a fixed fee for various classes of cattle is levied, and not the Kānara system

427. The fact must be recognized that in some districts ^{(Cicum-} and in some forest tracts it is essential to provide a certain ^{stances} amount of grazing for a certain number of cattle in the ^{under} Government Forests. Where no grazing rights exist ^{which} where the privilege of grazing in the forests has not been enjoyed, ^{inside} and where there is a plentiful supply of grazing available ^{forest} outside the Government Forests, either on occupied land or ^{may be} on unassessed waste, there is no need to allow of the pasturing ^{allowed or} of cattle inside the forests. Where on the other hand the ^{prohibited} interests of agriculture would seriously suffer and the welfare of the cultivators would be very prejudicially affected if all grazing in Government Forests was strictly prohibited, there within certain defined limits and on certain fixed conditions grazing in the forests must be permitted. What should be those limits and what those conditions, an efficient Collector who knows what the cultivators may in justice claim, what they can afford to pay, and what area can be opened to grazing without detriment to forest conservancy or injury to the future growth of grass and trees, can best determine in consultation with the local Forest Department Officer, a wide discretion being granted to the Commissioner. (Government Resolution No. 6303, dated 27th August 1889)

428. It is the wish and intention of Government that ^{Grazing} grazing requirements shall be fully met from what are practi- ^{require-} cally grazing grounds included in Reserved Forest. The ^{ments} best way to secure this is to direct that the grazing fees for ^{should be} both cattle and sheep shall be fixed by the Collector in ^{from} consultation with the Divisional Forest Officer, the Commis- ^{grazing} sioner deciding in case of disagreement. (Government ^{grounds} Resolution No. 5061, dated 24th July 1891 ; and No. 5341, ⁱⁿ dated 6th August 1891) ^{Reserved} Forest.

429. There is no doubt but that the grazing of sheep ^{Grazing} in forest lands where the young growth has not attained to ^{of sheep} a height of several feet, must be to a certain extent injurious ^{in forests} to the trees, but the absolute prohibition of the grazing of ^{Period} sheep in all the forest area would probably ruin the sheep ^{during} farming industry. In talukas, therefore, where sheep are ^{which} bred and brought to graze, the forest should be worked on ^{grazing} allowed

the block system, one compartment being absolutely closed in rotation for a definite specified period. Sheep should then not be allowed to enter the closed compartments but may be permitted on payment of the prescribed fee to graze between September 15th and May 15th in the unclosed compartments. Where in the opinion of the Divisional Forest Officer the *grazing of sheep can without risk of material injury to the forest growth* be allowed in unclosed compartments between 15th May and 15th September, such grazing may be permitted in that season also.

It is not necessary, however, to lay down absolutely what sheep are to be admitted to all unclosed areas between September 15th and May 15th. There is room for the exercise of judgment in this matter. But it is not one in which Government can pass detailed and specific orders. The general principle has been stated above. The Conservator may be able to point out cases where it is reasonable and expedient that exceptions should be made in the public interest. But in dealing with such cases it is fair that the sheep-breeding industry should be represented by the Collector and the practical measures which should be adopted will best be settled by the Revenue and Forest Department in consultation. Cases for exception will be those in which it is recognized that the admission of sheep to graze in a given area will cause injury to young trees or to grazing of cattle out of proportion to the benefit obtained by the sheep-graziers (Government Resolution No 529, dated 9th January 1885, and No 3112, dated 29th April 1885).

Policy of
the
Govern-
ment of
India
regarding
sheep and
goat
grazing
in forest

430. The question of dealing with goat and sheep-grazing at any rate on State lands, and of confining it to areas where the least harm would result, should receive the practical consideration of Local Governments and Administrations. The grazing of these animals, especially of goats, is incompatible with rational forestry, or even with the preservation of the ordinary bushes and trees of the country, and the areas to be devoted to the growth of forests must be separated from those to be sacrificed to the pasture of browsing animals. The circumstances affecting the separation in question, however, vary so much in accordance with climatic conditions, that the question should be considered in each locality on its own merits, due weight being given, in each case, to the capabilities of the land, and to the advantages of sylvicultural treatment on the one hand and of pasture on the other. (Government of India, Revenue and Agriculture

No 21-F., dated 12th July 1889, *vide* (Government Resolution No. 6187, dated 3rd September 1889.)

431. (i) When for the proper reboisement of forest areas such a course is demanded, all sheep and goats should be absolutely excluded from those areas. Orders as to the areas thus to be closed to sheep and goats should be issued by the Collectors with the sanction of the Commissioners after consulting the Conservators of Forests. In cases where the Collector and the Conservator of Forests hold divergent views as to the areas so to be closed and are unable to come to an agreement, the question should be left with the Commissioner without reference to Government

(ii) Wandering shepherds moving about from place to place with their flocks should be treated as professional graziers, and when their flocks are admitted to graze in the forests, special rules for the regulation of such grazing should be made and enforced, and a higher rate of fee than that levied for sheep, the property of local owners admitted into the forests of their own village, should be charged. (Government Resolutions No. 6187, dated 3rd September 1889, and No. 8166, dated 26th October 1889.)

432. As ample provision for sheep grazing will now be available in the forests in charge of the Revenue Department, sheep and goats should be excluded from grazing in forests in charge of the Forest Department everywhere except in Kanara where the number of the former is so small that they be disregarded and the admission of the latter at the rate of one for fifty sheep is a matter of no importance. (Government Resolution No. 10519, dated 21st November 1910.)

433. If a person who holds land for cultivation in a forest village, but does not himself reside therein, has any cattle in the village which are employed to plough or to draw water for the irrigation of his land in the village, those cattle are entitled to free grazing in the forest block of that village. No other cattle belonging to him are entitled to the privilege. (Government Resolution No. 3617, dated 26th May 1890.)

434. The general rates of grazing fee to be charged for horned cattle are two annas per head in the case of "village cattle" and Re. 1 per head in the case of "non-village cattle". The Governor in Council is pleased to direct that the lower of these rates should be charged in the case of cattle belonging to recognised Pujrápoles. The rate of fee now sanctioned will, however, be liable to enhancement at the discre-

tion of the Collector, in the event of improper use being found to be made of the concession by the inclusion among the Pinjrapole cattle of animals for which a higher rate might properly be charged under the rules and also in the event of repeated trespass into forest by the Pinjrapole cattle or damage to the grazing areas by reason of the negligence or wilful mischief of its herdsmen (Government Resolution No 10401, dated 28th October 1909)

Commissioners may remit grazing fees where villagers are unable to pay

435. The Commissioners of Divisions are authorized to sanction the remission of grazing fees up to any amount in cases where the villagers are unable to pay them (Government Resolution No 8885, dated 3rd October 1910.)

Commissioners may extend dates of grazing fee collection

436. The Commissioner may extend the dates fixed for the collection of grazing fees in any district where the fixed date is found to be unsuitable

Double fees to be charged after fixed date

Double fees shall be levied on cattle found grazing in Forests without a pass after the fixed date (Government Resolution No 8161, dated 1st November 1904)

(b) SPECIAL RULES

Rules regulating grazing in the various districts of the Presidency

Grazing rules for the Central and Southern Revenue Divisions

437. The following grazing rules are sanctioned for the districts of the Central and Southern Divisions —

I. Definitions—

(1) Forest villages are those which contribute land to forest

(2) Non-forest villages are those which do not contribute any land to forest

(3) Village cattle are those owned by persons resident in the village and kept in the village the whole year round, whether for agricultural purposes or for profit

(4) Non-village cattle are those owned by persons who move about from village to village grazing their cattle in all the grazing land they come to, such as "Dhangars".

II. For grazing purposes the forest area will be divided into two portions only, viz. :—

(1) "the open" and (2) "the closed".

III. Grazing in open forest will be permitted to all cattle in respect of which payment has been made for grazing, subject to the maximum fixed under Rule No. IV.

The grazing on pasture reserves and revenue waste lands in forest villages shall be open to village cattle which have paid fees under Rule No. VII or Rule XI without payment of further fee

IV. The Collector, in consultation with the Divisional Forest Officer, may fix the maximum number of cattle to be admitted for grazing in any particular forest. Cattle excluded from a forest as being in excess of the maximum number so fixed shall, so far as possible, be provided with grazing ground elsewhere.

V. The Revenue and Forest Officers shall decide whether or not sheep are to be admitted to graze in an open forest. Goats may where customary be admitted when accompanying flocks of sheep, but then only in the proportion of one goat to every 50 sheep

VI. The demands for the admission of cattle into a forest block to graze will be satisfied in the following order :—

(1) Cattle, the property of forest villages in the petha or taluka or range which are altogether surrounded by forest.

(2) Cattle, the property of forest villages in the petha or taluka or range which are not altogether surrounded by forest.

(3) Cattle of non-forest villages in the petha or taluka or range, the nearest villages having the first claim.

(4) Village cattle of another petha, taluka or range of the district.

(5) Non-village cattle of the district.

(6) Cattle of another district.

VII. (a) The fees for village cattle are as follows :—

0-2-0, two annas, for every buffalo, cow, ox, horse, mule or donkey, or suckling animals of those classes; 0-1-0 for every sheep and goat, if admitted to graze in forests.

These rates may, with the previous sanction of the Commissioner, be enhanced in respect to any particular forest, in consideration of the value of the grazing obtainable in such forest or of the interests of forest conservancy.

(b) In forest villages the fees will ordinarily be levied on *all* village cattle, subject only to the limitations imposed by Rules IV and V.

Exception—In districts where stall feeding is practised on a large scale, or where, owing to abundance of grazing in private lands, only some of the village cattle make use of the forest grazing, fees may, at the discretion of the Divisional Forest Officer in consultation with the Collector, be levied only on such cattle as actually graze in the forests.

(c) In non-forest villages, fees will be levied on such cattle as graze in the forests, subject to the limitations imposed by Rules IV and V.

(d) Permits will be issued for the grazing year (1st June to 31st May) and the fees are due for payment on or before the 31st July in each year. Permits taken out after that date will be charged at double rates, subject to the proviso that animals born, or coming into an owner's possession, after the 31st July will be liable for the single fee only.

VIII. / Camels, elephants and swine shall be prohibited absolutely from grazing inside a forest.

IX. Cattle for which fees have been paid under Rule VII are entitled to graze without payment of further fee.—

(1) Subject to any limitation of the number admitted to grazing in any particular portion of open forest in charge of the Forest Department, in all open forest in such charge within the taluka or petha or range (where portions of more than one petha or taluka form a range) in which the village to which the cattle belong is situated

(Fresh fees must be paid for grazing in such forest in another petha or taluka or range.)

In the case of villages situated near the border line separating two pethas, talukas or ranges the people may, as a special case, be allowed to graze in both at the discretion of the Divisional Forest Officer in consultation with the Collector.

(2) In all pasture reserves and revenue waste lands in the district except those which are specially reserved for grass cutting and those in which the grazing has been granted free or sold to a particular village under Rule X.

(Fresh fees must be paid for grazing in such forest in another district or forest division, where portions of more than one district form a division.)

X. The grazing on pasture reserves and revenue waste lands in non-forest villages shall—

(1) if a panchayat has been formed for the management of the village forest or grazing grounds, be managed by the panchayat in accordance with the rules formed for the guidance of the panchayat; (see the rules for the West Khándesh and Sátára panchayats, articles 135 and 136, etc.).

(11) if no panchayat has been formed :—

(a) be granted free, if the area is insignificant. If the area in any village is required for the village cattle of that village, the free grant shall be for the use of the village cattle of that village only; otherwise the free grant shall leave the grazing open to village cattle from forest villages under Rule IX (2) or to village cattle from other non-forest villages or to non-village cattle,

(b) be sold to the villagers of the village in which the pasture reserves or revenue waste lands are situated, at the rate of one anna per acre, if the area is not insignificant and does not produce grass fit for cutting. If the grazing so sold is required for the village cattle of that village only, the sale shall exclude from the right of grazing on that land village cattle from other villages (forest or non-forest) and non-village cattle; otherwise the sale shall not exclude such cattle.

(c) not be granted free nor sold if the area is not insignificant and produces grass fit for cutting. The grass shall be sold by auction for cutting, and grazing shall not be permitted in the area until after the grass has been cut and removed, and then only, if at all, on such terms as shall be settled by the Collector in each case.

XI.—If any of the village cattle of a non-forest village are admitted to graze in any area other than that available to them under Rule X, each animal so grazed must pay the fees under Rule VII and shall then be entitled to all the grazing mentioned in Rules III and IX.

XII—Range and round officers in their respective charges shall require the village officers to muster the village cattle in the village in the early morning when the need arises to compare the cattle census with the permits issued

XIII—Forest officers will collect grazing fees and issue permits in respect of all cattle, whether of forest or non-forest villages, which graze in areas in charge of the Forest Department. Village officers will collect grazing fees and issue permits on cattle which graze solely in areas in charge of the Revenue Department

Fees will be credited to the Department by which they are collected.

XIV.—Permits for cattle belonging to forest and non-forest villages shall be printed on white paper and those for non-village and outside cattle, *i.e.*, non village cattle and cattle of another circle, on red paper.

XV—The following simple rules shall be printed on the back of every grazing permit —

(a) This permit must always be taken by the holder into the forest with his cattle

(b) It must be shown on demand to any village or Forest Officer

(c) The holder must assist in preventing fire, damage to ligneous forest growth, interference with forest boundary marks and illicit grazing.

The term "holder" in this rule shall be held to mean the owner or his agent, the herdsman

XVI—All cattle must be in charge of a responsible herdsman and the maximum number to one herdsman may be fixed by Revenue and Forest officers. His name shall be registered by the village officer and a copy sent to the range forest officer, he shall be responsible that the grazing rules are observed in respect of the cattle in his charge and that no unauthorized cattle enter the grazing area open to his cattle and he shall carry with him in the forests the grazing permits for his cattle.

XVII.—The village officers of forest villages shall prepare a census of all the cattle in their respective villages every five years in June. This census statement will show separately the number of cattle, the property of professional graziers and the name of each owner.

XVIII.—Subject to the maximum fixed under Rules IV and V owners of non-village cattle and of cattle residing outside the Circle will pay fees at the uniform rate of Re. 1 for every animal of the classes stated under Rule VII, except for sheep and goats for which the fees will be as follows.

(Re. 0-2-0), annas two, for every sheep.

(Re. 0-4-0), annas four, for every goat.

XIX.—On payment of the fees prescribed for them non-village cattle are entitled to graze :—

(i) Subject to the maximum number admissible to grazing in any particular portion of open forest in charge of the Forest Department, in all open forest in such charge, and

(ii) Subject to the rules framed for the guidance of the panchayat, when a panchayat has been formed, in all pasture reserves and revenue waste lands not reserved for grass cutting or not granted free or on payment to a particular village, within the forest circle in which the fees have been paid; provided that the Collector may close against such grazing any particular portion of the area under (i) or (ii).

(Fresh fees must be paid for grazing in another Forest Circle.)

XX. In seasons of drought the Commissioner may relax these rules to such extent as may be necessary.

XXI. Cattle found grazing in open forest in contravention of any provision of these Rules shall be liable to be impounded. In the alternative, compensation may be recovered in respect to such cattle from their owner or herdsman at a rate not exceeding double the grazing fees. But repeated breaches of the Rules after the warning will render the person responsible, who may be either the owner or the herdsman, liable to prosecution.

Special rules to regulate grazing in the organized teak areas of the Kanara, Dharwar and Belgaum Districts :—

(1) No grazing will be allowed in organized teak areas except under permits issued by the range forest

officers, by whom also the fees will be recovered. These permits will be issued only to cultivators of villages within the limits of which any such area is situated or to cultivators enjoying privileges in such areas under Forest Settlement provisions and for the *bona fide* use of such cultivators only.

(2) Permits for buffaloes will not be issued unless they are shown to be used for the agricultural or domestic purposes of the cultivators applying for permits. For other cattle permits will be refused only if the number is manifestly in excess of the requirements of the applicants for the land in that village.

(3) No gowlies shall be allowed as herdsmen. For the purposes of this Rule the decision of the Divisional Forest Officer as to who is a gowli will be final. (Government Order No. 9121 of 6th September 1918)

NOTE.—The Collector of Satara is authorized to reduce from Re 1 to annas 8 the fee per head of cattle of professional graziers living in those parts of the district only which are remote from the railway and markets and in those cases only in which he is satisfied that the definition of professional graziers has included under that head persons who are unable to pay so large a fee (Government Resolution No 3999, dated 16th April 1908)

Grazing rules for Thana forests.

Grazing
rules for
the Thana
District.

438. Rule 1.—A forest block will henceforth be divided into two portions only, viz. (1) "the open" and (2) "the closed". (Government Resolution No 3595, dated 23rd May 1890.)

Closed Forest is defined as that portion of the forest which is closed to the exercise of every privilege whatever except under the written permission of the Divisional Forest Officer. It will ordinarily include ten compartments of each forest block and will not be practically larger than one-fourth of the entire forest of the district (Commissioner, N. D.'s No. P-111, dated 9th October 1890, paragraph 4.)

Areas of forest other than out compartments, which have been closed for stated periods with the consent of the Collector, and certain valuable kurans, the grass of which is sold annually, are also classed as closed forest.

No fresh areas of forest other than compartments cut within the previous ten years can be closed for any reason whatever without the prior assent of the Collector. (Government Resolution No. 7107, dated 6th September 1892, paragraph 1, rule 9.)

Open Forest is all the forest not classed as closed forest and ordinarily amounting to three quarters of the total area of the forest under the Working Plan.

Rule 2.—The term “*gáirán*” in connection with a Reserved or Protected Forest will cease to apply.

Rule 3.—Grazing will be permitted in the unclosed portion, which will be open both to cattle allowed free grazing, and to other cattle in respect of which payment has to be made for grazing.

Rule 4.—Villages which have contributed *gáirán* to the formation of a forest block are to be allowed free grazing in the open forest of that forest block for all their agricultural cattle.

Rule 5.—Villages which have contributed no *gáirán* to forest will pay fees for all their cattle admitted into the forests to graze.

The villages of the three *tálukas*, Bassein, Bhiwandi and Kalyán, have for the purpose of making the distinction called for in Rules IV and V been divided into two classes, viz., A villages and B villages.

A villages are villages which have contributed *gáirán* to forest. (Commissioner, N. D.'s No. P-111, dated 9th October 1890, paragraph 7.)

B villages are villages which have not contributed *gáirán* to forest. (Commissioner, N. D.'s No. 5086, dated 3rd December 1890.)

Rule 6.—The term “*agricultural cattle*” shall be held to comprise cattle used solely for purposes of cultivation in the village, whether for ploughing or for drawing water for irrigating garden land.

This definition has been enlarged to include cultivators' milch kine and their calves. Aged and worn out cattle have, however, been expressly excluded. (Government Resolutions No. 5316, dated 29th July 1890, and No. 5600, dated 11th August 1890.)

NOTE—It is important to note that in accordance with the instructions of the Commissioner, N. D., all the cultivators' cattle of A villages have hitherto been classed as agricultural cattle in the censuses that have been made. Assistant Collectors and Mámátlárs were instructed when examining censuses to note specially any marked disproportion between the animals entered and the area of the "Kháta" or "Holding" of each registered occupant. About such cases the Commissioner directed that enquiry should be made, and if any abuse of the free grazing of privilege is discovered, as for instance, if the cultivator is found to be really a professional grazier but owning a small piece of land, then the free passes, which he has in excess, will be withdrawn and he will have to pay. Every year the census will be more accurate and unprivileged animals will be excluded.

By a subsequent ruling (Government Circular No 1050, dated 9th February 1891), under Rule 14 cultivators' cattle (not being agricultural cattle) of A villages and all cultivators' cattle of B villages pay fees at the same rate, viz., single fees, and non-cultivators' cattle, whether of A or B villages, pay fees at the same rate, viz., double fees. The distinction between cattle belonging to cultivators, agricultural and non-agricultural, and cattle belonging to non-cultivators must thus be clearly explained. The following regulations have, therefore, been made—

(a) Partners in occupancies or tenants are included as cultivators, though the numbers do not stand in their names (Commissioner, N. D.'s No. P-111, dated 9th October 1890, paragraph 10 (a).)

(b) Cattle held on undivided ownership by a cultivator of a forest A village and non-forest B village have the privileges of forest A villages (Commissioner, N. D.'s No P-111, dated 9th October 1890, paragraph 10 (b).)

(c) Cultivators of depopulated forest A village have the privileges of A villages.

(d) Cultivators' cattle of non-forest B villages are classed in the same category as single fee cattle belonging to cultivators of forest A villages (Government Circular No 1050, dated 9th February 1891.)

(e) Cattle hired by a cultivator of a forest A village for *bona fide* agricultural purposes should be considered to be his own cattle for the purposes of the grazing rules. (Thana Collector's No 5276, dated 9th July 1891.)

(f) Cattle kept by cultivators of forest A villages for agriculture but also used or hired out for draught

purposes are considered as agricultural cattle. (Commissioner, N. D.'s No. P-111, dated 9th October 1890, paragraph 9.)

(g) Cattle owned by a person who does not reside but holds land for cultivation in a forest village are only entitled to free grazing if they are employed to plough, or to draw water for the irrigation of his land in the village. No other cattle belonging to him are entitled to the privilege. (Government Resolution No. 3617, dated 26th May 1890.)

(h) Any question as to the definition of a cultivator or non-agriculturist should be referred to the Assistant Collector for decision subject to an appeal by the Divisional Forest Officer to the Collector. (Commissioner, N. D.'s No. P-111, dated 9th October 1890, paragraph 10 (c) .)

NOTE—For the present as a special case Thakurs and Katkars are allowed to graze all their cattle free, but the amount of fees remitted on this account should be reported at the end of every season in order that attempted frauds may be checked.

Commissioner, N. D.'s No. P-111, dated 9th October 1890, para. 22

Rule 7.—Village officers will prepare a census of all the cattle in the village, and a statement of the full amount of the fees to which they would be liable for grazing, assuming that none of them could, under the privilege accorded, claim free grazing.

The census is prepared by Talukis in Village Forms Nos. 13 and 6, separate forms being used for cultivators and non-cultivators. The form for cultivators shows—

- (1) Name of cultivator,
- (2) Area of his holding,
- (3) Number of plough-bullocks or buffaloes returned as used for cultivation, milch kine and calves (all sucking animals are free and may be omitted),
- (4) Number of non-agricultural cattle,
- (5) Fees payable for the cattle,
and for non-cultivators—
 - (1) Name of non-cultivator,
 - (2) Number of cattle owned,
 - (3) Fees payable for the cattle.

The procedure to be followed by the Talátis is guided by a set of orders from the Collector.

The Talátis have, however, been ordered to specially warn the owners of cattle that if they do not enter them in the list, passes will not be given, and if the animals are driven into forest without a pass they will be liable to be impounded, and their owners prosecuted for mischief (Commissioner N. D.'s No. P-111, dated 9th October 1890, paragraph 13)

The censuses are to be examined from time to time by the Assistant Collectors and the Mámlatdárs each for his own district or taluka

Rule 8—The fees leviable on agricultural cattle will then be remitted, in such villages where the cattle are entitled to free grazing under Rule 4, by the officer to whom the Collector may assign that duty, and the cattle in question will be admitted, upon free permits, into the open portion of the forest block.

The officer to whom the Collector has assigned the duty is the Taláti and very complete instructions for his guidance have been issued. These instructions include the following (Collector's Vernacular Orders, dated 10th 12th and 18th November 1890) —

(a) The Taláti must explain to the people, the open forest in which the grazing is permitted.

(b) Which of their cattle may have free grazing, and for which cattle fees must be paid.

(c) The procedure with regard to the employment of herdsmen and their duties

The Talátis, after distinguishing between the different classes of cattle, issue the passes required by each and take the fees for such as have to be paid for. The payments made are entered daily in a rough day-book and are checked with the counterfoils of the pass books, and the last column of the census forms in which the dates of payment have to be entered.

Rule 9.—Adequate restrictions are to be imposed upon the number of cattle to be permitted to graze in the unclosed portion of each forest block; that number must be limited to the cattle for which the open area can furnish sufficient grazing, and no cattle, in excess of that number, should be admitted to graze. In determining the number, it must be

considered how many cattle the open portion of the forest block can properly feed, without injury to—

- (a) the cattle ;
- (b) the pasturage ;
- (c) the forest itself.

Rule 10.—The Revenue and Forest Officers will determine the number of cattle which can with safety be admitted into the open portions of a forest block.

The number of cattle which can be admitted has been determined as one head of cattle per acre. (Commissioner, N D.'s No. P-111, dated 9th October 1890, paragraph 15.)

The open area of each block is communicated to the Taláti, who issues passes. If there are applications for more passes than represent one head of cattle per acre, report is made through the Mámlatdár to the Assistant Collector, who settles with Divisional Forest Officer if more can be admitted.

Rule 11.—The demands for the admission of cattle into a forest block to graze will be satisfied in the following order :—

- (1) Cattle entitled to free grazing.
- (2) Other village cattle belonging to cultivators.
- (3) Cattle the property of resident professional graziers and others.
- (4) Outside cattle.

Rule 12.—The fees to be levied upon village cattle belonging to cultivators shall be :—

For every buffalo ..	.. 8 annas.
For every cow, ox, horse, mule or donkey ..	.. 4 annas.
Sucking animals ..	.. Free.
For every sheep ..	.. 1 anna.
For every goat ..	.. 2 annas.

The Revenue and Forest Officers shall decide whether or not sheep are to be admitted to graze in an open forest block.

Goats will only be admitted when accompanying flocks of sheep, but only in the proportion of 1 goat to every 50 sheep.

Should the villagers prefer to pay a consolidated fee for grazing all their cattle (sheep and goats excepted), whether privileged or not, the Revenue Officers shall meet the wishes, subject to the sanction of the Commissioner of the Division, who will determine the proportionate reduction of the fees.

The Revenue and Forest Officers have decided that, except under special instruction and for special reasons, sheep shall not be admitted to the forests of Thána at all. The entry of goats is thus also prohibited as they are only allowed in forest when accompanying sheep. (Commissioner, N. D.'s No P-111, dated 9th October 1890, paragraph 16)

If the villagers apply for permission to pay a consolidated fee for grazing all their cattle, with the sanction of the Commissioner N. D., a lump sum may be paid by them or a general reduced rate of fee taken for all their cattle free and non-free alike (Commissioner, N. D.'s No P-111, dated 9th October 1890, paragraph 17.)

Grazing fees will be charged for cattle belonging to the Bombay Pinjrapole, when they are allowed grazing in forest, at the same rates as for cultivators' cattle of non-forest villages, *i.e.*, the rates charged will be 8 annas per buffalo and 4 annas per cow, etc. Such cattle will be allowed grazing in any forest only after the wants of the cattle of the District have been provided for or special areas may be assigned to them. (Government Resolution No. 842, dated 31st January 1891.)

Rule 13.—Forest Officers in protective charge of forest blocks shall require the village officers to muster all the village cattle in the village, in the early morning once a month or oftener should the need arise, to compare the cattle census with the permits issued.

Forest Officers are not to demand the mustering of the cattle with unnecessary frequency. They must first obtain the census from the Taláti, for comparison, afterwards returning it to him. The attendance of the Taláti is not obligatory.

If there is any difference between the number of cattle mustered and the number shown in the census, the Forest Officer should, if a satisfactory explanation is given, amend the census and draw the attention of the Taláti to the amendment. (Commissioner, N. D.'s No. P-111, dated 9th October 1890, paragraph 18)

If the Forest Officer considers that there has been any irregularity or fraud, he should at once make a report to the Mámlatdár, sending the census with the report.

Rule 14.—Double the rate of fees prescribed in Rule 12 shall be levied in the case of cattle the property of resident professional graziers and others,

"The property of resident professional graziers and others" includes the cattle of non-cultivators, and of professional herdsmen whether of A or B villages. The term "professional grazer" may be interpreted to mean "all whose primary occupation is the keeping and grazing of cattle for profit". (Government Resolution No. 8382, dated 25th October 1892.)

Rule 15.—The Forest Officers shall determine the rate of fees to be levied on outside cattle, which shall not be lower than that for resident professional graziers and others.

"Outside cattle" are cattle from outside the Thana District, and the cattle of professional graziers of non-forest villages. (Government Resolution No. 8665, dated 5th December 1890.)

The rate of fees to be levied on outside cattle has been determined as Rs. 1-4-0 per buffalo and Re. 0-10-0 per cow.

The red passes for outside cattle may be issued by Talatis as well as by the Forest Officers when thought advisable. (Commissioner, N. D.'s No. P-111, dated 9th October 1890.)

Rule 16.—Village Officers will issue permits and collect the fees in respect of—

(1) Cattle belonging to village cultivators subject to the payment of a fee, the permits for which shall be printed on *yellow* paper.

(2) Cattle of resident professional graziers and others, for which the permits shall be printed on *green* paper.

They will also issue permits for free cattle; such permits shall be printed on *white* paper.

Rule 17.—Forest Officers will issue permits and collect the fees for outside cattle, the permits for which shall be printed on *red* paper.

In the accompanying schedule the following details are clearly shown:—

(1) The kind of pass to be issued for each class of cattle grazed in forest.

(2) The cattle entitled to free grazing and those for which fees must be paid.

(3) The scale of fees charged for each class of cattle liable to fees for grazing in forest.

White Passes		Yellow Passes		Green Passes		Red Passes	
Agricultural cattle of 'A' villages (title of Thakurs and Khatkars (temporarily))		'A' village cultivators' non agricultural cattle 'B' village cultivators' cattle Cattle belonging to Pimpri pole		'A' village non cultivators' cattle 'A' village professional herdsmen's cattle		Cattle from outside the Thana District Cattle the property of professional graziers of non forest 'B' villages	
		Rs & p		Rs & p		Rs & p	
For every buffalo	Free	For every buffalo	0 8 0	For every buffalo	1 0 0	For every buffalo	1 4 0
For every cow, ox, horse, mule or donkey		For every cow, ox, horse, mule or donkey	0 4 0	For every cow, ox, horse, mule or donkey	0 8 0	For every cow, ox, horse, mule or donkey	0 10 0
Suckling animals		Suckling animals	Free	Suckling animals	Free	Suckling animals	Free
		When allowed		When allowed			
For every sheep	Not allowed	For every sheep	0 1 0	For every sheep	0 2 0	For every sheep	Not allowed
For every goat		For every goat	0 2 0	For every goat	0 4 0	For every goat	

The Commissioner, Northern Division is authorized to relax the rules as regards fees if in any case he should find the rates higher than the people can afford to pay. (Government circular No 1050, dated 9th February 1891.)

White, yellow and green passes can only be issued by Talatis. (Commissioner, N. D.'s No P-111, dated 9th October 1890)

Red passes are issued by Range Forest Officers or others nominated by the Forest Officer, and by Talatis when the necessity has been shown.

Red passes issued for outside cattle are available for grazing in the open forest of any block in the range in which the pass is given. Should the grazer wish to go elsewhere the Divisional Forest Officer will settle, in communication with the Collector and the Conservator, what additional fees should be taken. (Commissioner N. D.'s No P-111, dated 9th October 1890 paragraph 20)

In regulating the grazing of outside cattle in accordance with the above direction it has been ruled that—

1. Cattle for which fees have been paid and passes obtained in one Range of a Forest Division may graze in any open forest of that Division but when passing from one range to another the passes should be taken by the grazer to the Range Forest Officer of the latter

Range for scrutiny. (Commissioner, N. D.'s No. P-111, dated 9th October 1890, paragraph 20, and Collector of Thána's No. 2200, dated 3rd April 1894.)

2. Cattle for which fees have been paid and passes obtained for grazing in the forests of one Forest Division cannot be grazed in the forests of another Forest Division without the payment of fresh fees

Rule 18.—A herdsman shall be in charge of every lot of not more than 50 head of cattle; his name shall be registered by the Village and Forest Officers; he shall wear a distinguishing badge of office, he shall be responsible that the grazing rules are observed in respect of the cattle in his charge and that no unauthorized cattle enter the grazing area open to his cattle, and he shall carry with him in the forest the grazing permits for his cattle.

NOTE—The badge to be worn by the herdsmen will be a leather belt with a brass buckle which will be provided by the Forest Department.

The Taláti when issuing passes is required to enter the name of the herdsman on the pass, to see that the passes are given by the cattle owner to a herdsman, that the latter is provided with the badge issued to him, and that he understands his duties.

The following regulations have been made regarding the issue of herdsman's badges:—

(1) Persons appointed in charge of herds may be of either sex. (Government Resolution No. 4142, dated 17th June 1891.)

(2) Badges will be issued to herdsman appointed by the owners to look after their cattle. The wearing of the badges is compulsory on men and boys so employed, but is optional to females. (Government Resolution No. 4142, dated 17th June 1891.)

(3) The temporary transfer of the badge and grazing passes from a herdsman to another man appointed as such is allowed in case of absence or sickness after informing the Pátíl. (Commissioner, N. D.'s No P-111, dated 9th October 1890, paragraph 23.)

(4) The herdsman should always carry with him his badge and bundle of passes.

(5) Cattle found grazing in the forests without an attendant in charge carrying his badge and his grazing passes will be liable to be impounded.

NOTE—But prosecution in addition to impounding is only sanctioned when some other offence (such as mischief) accompanies the trespass.

(6) Badges will be issued free by Talatis to herdsmen appointed to attend herds and not to every owner of cattle.

Rule 19.—Camels, elephants and swine shall be prohibited absolutely from grazing inside a forest block.

Rule 20.—The disposal of the grass in the closed portion of a forest block shall remain entirely in the hands of the Forest Officers, who may sell it for cutting and removal, or not, as to them may seem best.

Grazing will under no circumstances be permitted in the closed portion of a forest block. The people of villages, which have contributed forest to the block, may, however, on condition of protecting the forest from fire and other injury, be permitted by the Divisional Forest Officer to enter the closed forest and to cut and remove grass for agricultural purposes.

Rule 21.—The following simple rules shall be printed on the back of each forest permit —

(1) This permit must always be taken by the holder into the forest with his cattle.

(2) It must be shown on demand to any Village or Forest Officer.

(3) The holder must assist in the protection of the forest against fire and the cutting of ligneous vegetation.

(4) The holder must see that his cattle do not injure the boundary marks of the grazing area of the forest.

(5) The holder must not allow his cattle or other cattle to trespass into the closed portion of the forest.

The term "holder" in this rule shall be held to mean the owner or his agent the herdsman.

Rule 22.—Village officers shall prepare a census of all the cattle in their respective villages distinguishing between agricultural and other cattle. As regards the former a statement shall be framed showing—

(1) the name of the cultivator ;

(2) the aggregate area of his holding or holdings ;

(3) the number of plough bullocks or buffaloes used by the cultivator solely for cultivation in his holding or holdings ;

(4) the number of wells or Persian wheels on his lands used for irrigation ;

(5) the number of cattle solely employed on these wells or Persian wheels.

Rule 23.—The Mámlatdár and the Assistant Collector shall compare the number of plough cattle returned with the area of the holding or holdings. (Extract from Mr Millett's book on " Rules and Orders in force in Thána). "

439. Having regard to the extent and nature of the forests in Thána and the rainfall in that district, there is no objection to the privilege of free grazing being extended in that Collectorate to milch cattle and their calves, being the property of cultivators resident in forest villages, other than professional breeders and graziers, subject to the conditions specified in the grazing rules sanctioned by Government Resolution No. 3595, dated 23rd May 1890. (Government Resolution No. 5316, dated 29th July 1890.)

Grazing rules for Panch Maháls forests.

440. *Rule 1.*—A forest block will henceforth be divided into two portions only, viz. (1) " the open " and (2) " the closed. " Grazing rules for the Panch Maháls

Rule 2.—Grazing will be permitted in the unclosed portion which will be open both to cattle allowed free grazing, and to other cattle in respect of which payment has to be made for grazing. The closed portions will not exceed on the whole more than one-third of the total area.

Rule 3.—Villages which have contributed land to the formation of a forest block are to be allowed free grazing in the open forest of that forest block for all their agricultural cattle.

Rule 4.—Villages which have contributed no land to forests will pay fees for all their cattle admitted into the forests to graze.

Rule 5.—The term agricultural cattle shall be held to comprise—

(a) Cattle used for purposes of cultivation in the village, for ploughing or for drawing water for irrigating garden land.

(b) Milch cattle the property of cultivators.

(c) Two heads kept by cultivators to provide manure.

Rule 6.—Village Officers will prepare a census of all the cattle in the village, and a statement of the full amount of the fees to which they would be liable for grazing, assuming that none of them could under the privilege accorded claim free grazing.

Rule 7.—The fees leviable on *agricultural cattle* will then be remitted, in such villages where the cattle are entitled to free grazing under Rule 3, by the officer to whom the Collector may assign that duty, and the cattle in question will be admitted upon free permits, into the open portion of the forest block.

Rule 8.—Adequate restrictions are to be imposed upon the number of cattle to be permitted to graze in the unclosed portion of each forest block; that number must be limited to the cattle for which the open area can furnish sufficient grazing, and no cattle, in excess of that number, should be admitted to graze. In determining the number, it must be considered how many cattle the open portion of the forest block can properly feed without injury to—

(a) the cattle ;

(b) the pasturage ,

(c) the forest itself.

Rule 9.—The Revenue and Forest Officers will determine the number of cattle which can, with safety, be admitted into the open portions of a forest block, and from time to time the months during which the open portions of the block can be closed.

Rule 10 —The demands for the admission of cattle into a forest block to graze will be satisfied in the following order —

(1) Cattle entitled to free grazing

(2) Other village cattle belonging to cultivators—

(a) of forest villages ;

(b) of non-forest villages.

(3) Cattle the property of resident professional graziers and others.

(4) Outside cattle.

Rule 11.—The fees to be levied upon village cattle belonging to cultivators shall be :—

		Western Mahals	Eastern Mahals
For every buffalo	..	3 annas.	2 annas
For every cow, ox, horse, mule or donkey	..	2 annas.	1 anna.
Sucking animals	..	Free.	Free.
For every sheep	..	1 anna.	1 anna.
For every goat	..	2 annas.	2 annas.

The Revenue and Forest Officers shall decide whether or not sheep are to be admitted to graze in the open block.

Goats will only be admitted when accompanying flocks of sheep, but only in the proportion of one goat to every 50 sheep.

Rule 12—The Village officer shall muster all the village cattle in the village in the early morning, when the Forest Officers in protective charge of blocks, acting under the special or general order of the Divisional Forest Officer, shall require them to do so, for the purpose of comparing the cattle census with the permits issued.

Rule 13—Resident professional graziers and other resident non-cultivators shall pay the following grazing fees in all forests :—

For every buffalo	..	..	1 rupee
For every cow, ox, horse, mule or donkey	..	.	8 annas.
For every sheep	..	.	2 annas.
For every goat	..	..	4 annas.

Rule 14.—The Forest Officers shall determine the rate of fees to be levied on outside cattle which shall not be lower than that for resident professional graziers and others.

Rule 15.—Village officers will issue all permits and collect all grazing fees, the necessary information regarding cattle of professional graziers and outside cattle being furnished to them by the Forest Officers.

Rule 16.—Permits for free cattle shall be printed on white paper; those for cattle belonging to villagers other than professional graziers for which fees are paid on yellow paper; those for cattle of resident professional graziers on green paper; and those for outside cattle on red paper.

Rule 17.—Camels, elephants and swine shall be prohibited absolutely from grazing inside a forest block.

Rule 18.—The disposal of the grass in the closed portion of a forest block shall remain entirely in the hands of the Forest Officers, who may sell it for cutting and removal or not, as to them may seem best.

Rule 19 —The following simple rules shall be printed on the back of each Forest permit —

(1) This permit must always be taken by the holder into the forest with his cattle.

(2) It must be shown on demand to any Village or Forest Officer.

(3) The holder must assist in the protection of the forest against fire and the cutting of ligneous vegetation.

(4) The holder must see that his cattle do not injure the boundary marks of the grazing area of the forest.

(5) The holder must not allow his cattle or other cattle to trespass into the closed portions of the forest.

The term "holder" in this rule shall be held to mean the owner or his agent the herdsman.

Rule 20.—Village Officers shall prepare a census of all the cattle in their respective villages distinguishing between agricultural and other cattle. As regards the former a statement shall be framed showing—

(1) The name of the cultivator.

(2) The aggregate area of his holding or holdings.

(3) The number of plough bullocks or buffaloes used by the cultivator solely for cultivation in his holding or holdings.

(4) The number of wells or Persian wheels on his lands used for irrigation.

(5) The number of cattle solely employed on these wells or Persian wheels

Rule 21.—The Mamlatdár and the Assistant Collector shall compare the number of plough cattle returned with the area of the holding or holdings. (Government Resolution No. 1663, dated 2nd March 1897.)

Rules for Grazing in Sind Forests.

441. 1. Free passes will be issued—

Sind
Grazing
Rules

(1) for all cattle allowed the right or privilege of free grazing,

(2) for cattle of maldárs that may be allowed the privilege in exchange for free labour and

(3) for all cattle specially allowed the privilege by the Conservator or the Divisional Forest Officer.

Free passes should be issued once a year before the 1st November. They will be issued by the Divisional Forest Officer himself and under his signature.

2. Cattle entitled to free grazing will be allowed to graze in all parts of the forests in which the privilege has been granted, except those parts which are closed to grazing.

3 All such cattle must be protected by passes. These passes shall be in the form given in Rule 5, but shall have the word "Free" entered against entry No. 7 and shall be printed on white paper.

4. Cattle not entitled to free grazing will be allowed, when protected by passes, to graze in all forests covered by such passes except such portions thereof as are closed to grazing. Such passes will be issued for a period of 12 months and will be charged for at the following rates :—

		1st class Forests.	2nd class Forests.
		Rs. a. p.	Rs. a. p.
Camels	each	1 8 0	1 8 0
Buffaloes	"	0 12 0	0 6 0
Cows or bullocks	"	0 6 0	0 3 0
Horses	"	0 6 0	0 3 0
Donkeys	"	0 4 0	0 2 0
Sheep	"	0 1 0	0 0 6
Goats	"	0 2 0	0 2 0

N.B.—For the sucklings of these animals half the above fees will be charged

5. The grazing pass, which shall be in counterfoil and duplicate, and printed on red paper, shall be issued by the

Range Forest Officer, and shall be in the following form :—
Grazing Permit No.

1. Name and father's name.
2. Caste.
3. Residence.
4. Period covered by pass.
5. Forest to which permission to graze is granted
6. Kind and number of animals.
7. Fees paid.
8. Name and residence of owner.
9. Date of issue of pass.
10. Name and rank of Officer issuing it.

Where the cattle rest at night in the *bhān* of a *māldār*, the name of that *māldār* should be entered against entry No. 1 and the name of the *bhān* against entry No. 3. Against entry No. 4, the entry will be "for 12 months from to" Against No. 5 the name of the forest or forests or of the range or sub-range should be entered as may be necessary, and in the case of sheep, goats or camels the compartment-numbers of the forests. Against entry No. 6 only one kind of animal should be entered. If a man has camels, buffaloes, cows, etc., a separate pass for the animals of each kind should be issued to him. Against entry No. 7 "Rs.... . as. . . ." should be entered, and in the case of the penal pass referred to in Rule 10 the amount levied as a penalty should also be shown, "Rs as levied as penalty." Against entry No. 8 the name and actual residence of the true owner of the cattle should be entered.

6. A pass will hold good only for the forests named in it, whether it be for a single forest or for the forests of a range or sub-range or for certain compartments of the forests as the case may be. Any cattle found under a pass that does not cover the forest in which they are then grazing will be treated as if they had no pass.

7. Passes must always be with the cattle when they go to graze in the forests, and for this reason cattle must always be accompanied by a herdsman who must carry with him the passes of all cattle grazing under his charge and produce them then and there, when called upon to do so, otherwise, the cattle will be liable to be impounded. Provided that, though the passes be not thus produced, still, if the owner of the

cattle or someone on his behalf can show from the Forest Department books or otherwise that he has taken out for that forest proper passes for all his cattle so found, he may save them from being impounded by the payment of a fine which shall not exceed one-fourth of the fees for all his cattle so found or Rs. 5, whichever shall be the less. Provided, further, that the cattle shall not be impounded nor shall any fine be levied if it can be shown that the owner had already actually made an application under Rule 8, and had not yet received the new pass. Receipts shall be given for all fines imposed under this rule.

8. Anyone losing a pass will, on application to the Officer who gave him the original pass, be furnished with a new one on payment of a fee of four annas.

9. No fresh pass will be issued to any owner of cattle against whom there is a claim for fees or fines.

10. All cattle found grazing without passes having been taken out for them, all cattle found grazing in closed blocks or places where grazing is forbidden, all cattle found grazing between half an hour after sunset and half an hour before sunrise, may be impounded. They may, however, and should as far as possible, be saved from being impounded by the payment of full fees as a fine, and, where a pass has not been taken out, the taking out of a pass in addition. If they are thus saved, the fact of full fees having been paid as a penalty and the amount so paid shall be noted on the pass issued.

11. The pass-holder or his servant will not be allowed to carry any cutting instrument, or to lop or injure any trees or bushes for the purpose of feeding his animals, and for any infringement of this rule will render himself liable to have his pass cancelled and to any other penalties prescribed under the grazing rules and the Indian Forest Act.

12. The pass-holder and his servants shall be bound, as required by section 78 of the Indian Forest Act, to furnish Forest Officers with information regarding the commission or intention to commit any forest offences in the forests, and further to assist them in —

- (a) extinguishing fires,
 - (b) preventing fires spreading to and in such forests,
 - (c) preventing the commission of forest offences,
- and
- (d) discovering and arresting offenders.

13. *Phans* for cattle, whether they be entitled to free grazing or not, can be erected only in places sanctioned by the Divisional Forest Officer. (Government Order No. 7082, dated 30th June 1915).

CHAPTER XXXVIII.

EXPLOITATION.

(a)—SUPPLY OF TIMBER, ETC., TO OTHER DEPARTMENTS.

442. All public departments should deal with the Forest Department as far as possible, but the latter should study the *bazai* rates in fixing their prices, of course charging for their timber according to quality. It is in no way, however, intended that the interests of other departments in the matter of general convenience, in which the question of cheapness is of course closely involved, should be sacrificed for the benefit of the forest revenues.

All Public Departments should deal with the Forest Department as far as possible

The Forest Department must attract, and not compel, custom even from other public offices. (Government Resolution No. 3021, dated 25th June 1872, and No. 4862, dated 1st October 1872.)

443. It is incumbent on consuming departments to arrange with producing departments, in preference to any other agency, for the supply of their requirements, so long as they can get from the former all that they want.

Policy of the Government of India regarding inter-departmental transactions.

The Government of India neither compels producing departments to sell their productions at any particular price, nor consuming departments to purchase the same at any particular price. It will be to the advantage of the latter to give any price which is less than that for which they can obtain an equal service in the market, and it will be to the advantage of the former to take any price which covers the cost of production and is better than what could be realized by other means. Acceptable terms between these limits can, it is evident, only be arrived at by negotiation and agreement between the representatives of the two opposing interests. (Government of India, Revenue and Agriculture, No. 1263-F, dated 31st December 1888, *vide* Government Resolution No. 716, dated 28th January 1889.)

NOTE—For rules regarding interdepartmental transfers and free supply of minerals from Government Forests and waste lands to Government Departments, see Appendix XXII of Volume I of this Manual. Also read articles 467 to 471 in this Part.

444. Timber will be supplied by the Forest Department to the Public Works Department, on the submission of annual indents, at the rates realized by public auctions. For any further supply of timber the Public Works Department may require, they must compete with the general public. (Government Resolution No. 3962, dated 20th August 1870.)

NOTE.—Read articles 467 and 468 as regards the supply of stones, etc. free to Public Works Department.

445. It is the wish of Government that all reasonable facilities should be furnished to the Public Works Department for securing direct from the Forest Department such timber as it may require. (Government Resolution No. 3606, dated 26th May 1891.)

446. Timber required for Local Fund purposes must be paid for in the same way as that required by any other Department of Government. (Government Resolution No. 1667, dated 22nd April 1869.)

NOTE.—Read articles 463 and 468 to 470 as regards stones and thorns required by the Local Fund being supplied free of charge.

447. The Government of India are unable to lay down any rules for the Bombay Dockyard specially other than those which govern the supply of timber to the other Government Departments and the public generally. It is, therefore, considered necessary that the best course which the Dockyard should follow would be to obtain a price list from the Forest Department, and then buy the timber in the cheapest market. If at any time a special quality of timber is required, the assistance of the Forest Department may be sought, but in that case the Dockyard must be bound by their prices and measurements, a copy of the price list being submitted to the Government of India. (Government of India, Marine Department, No. 1662-S., dated 11th October 1879—*vide* Government Resolution No. 5688, dated 24th October 1879.)

448. (i) Officers in command of regiments should be left to obtain what wood they require in the open market. (Government Resolution No. 2609, dated 1st June 1871.)

(ii) The Conservators of Forests should attend to any application which may be made for an interchange of vegetable productions by the officers in charge of any of His Majesty's Colonies.

(Secretary of State's No. 10, dated 15th August 1871—
vide Government Resolution No. 4847, dated 29th September
1871.)

(b) FREE GRANTS.

Persons
to whom
free
grants
should not
be made

449. It was never intended that free grants of wood should be made to men whose resources would enable them without much difficulty to purchase it. (Government Resolution No 1771 of 15th March 1882.)

Objects
for which
free
grants
may be
made.

450. His Excellency the Governor in Council, having had the question of free grants of timber in various districts of the Presidency under consideration and having ascertained the great diversity of practice which exists, is pleased to issue the following orders for the guidance of District Officers —

The objects for which free grants may usually be made are —

(1) the relief of poor people whose houses have been destroyed either by fire or flood ;

(2) in special cases the construction of dwellings where members of wild tribes or new settlers are too poor to purchase wood ;

(3) agricultural purposes in cases in which it is satisfactorily shown that such grants are absolutely necessary. (Government Resolution No. 1051, dated 15th February 1887)

NOTE —The powers of officers to make free grants for the purposes mentioned here are restricted to the limits laid down in the following article

Limits up
to which
free
grants
may be
sanction-
ed by
various
officers

451. (1) Divisional Commissioners may sanction free grants to any one person to a value not exceeding Rs 250.

(2) Collectors in the Presidency proper (except the Collector of Kánara) may sanction free grants to any one person to a value not exceeding Rs 100

(3) Divisional Forest Officers may sanction free grants to any one person to a value not exceeding Rs. 20.

(4) Commissioners of Divisions may sanction free grants of timber up to the value of Rs. 250 to the Taluka Local Boards for improvement of local communication in bridging nallas, water-courses, etc.

(5) Commissioners may also sanction free grants of timber up to the value of Rs 250 in each case for repairs and construction of village school-houses.

(6) Sub-Divisional Officers of the Revenue Department in the Presidency proper are authorized to submit direct to the Divisional Forest Officers recommendations for the grant of free wood up to Rs 20.

(Government Resolutions Nos. 4073 of 31st May 1895, 1662 of 2nd March 1897, 21 of 6th January 1903, and 11221 of 7th December 1912.)

NOTE—The Forest Department should be consulted in all cases before a free grant is made. (Paragraph 7 of Government Resolution No 9360 of 15th October 1910)

452. The orders given in article 451 do not apply to Sind, where cultivators have the privileges of cutting wood on waste lands, and where only, in special cases, such as a whole village being burnt down, the Commissioner sanctions a free grant of wood, when necessary.

The Commissioner in Sind has full discretion in the matter of making free grants and of authorising Collectors and their Assistants to make them. (Government Resolutions Nos. 1051 of 15th February 1887, and 11221 of 7th December 1912.)

The orders given in articles 450 and 451 do not apply to Kánara where the rules in Appendix V-1 are in force. (Government Resolution No. 1728 of 19th March 1887.)

453. The powers mentioned in article 451 are restricted to talukas in which there is natural forest. And the whole intention of the system is to allow the population, and particularly the agricultural population dwelling in the vicinity of the forests, a privilege which can conveniently be exercised by them without material detriment to the public interests. It has never been contemplated that it should be incumbent on Government to give wood free by way of charity to members of any community whose houses may be destroyed. In cases of a great calamity Government may appropriately assist by grants of wood, but it is to be remembered that the grants made under the rules with regard to the powers of the several officers are restricted to the talukas and to the inhabitants of talukas in which there is forest. (Government Resolution No. 1662, dated 2nd March 1897.)

454. (1) The value of the wood specified in the rules is the value of the trees as they stand in the forest, and it is contemplated that grantees should make their own arrangements for felling and carrying the wood, as people living in the vicinity of the forest conveniently can do. The value of wood at depôts or in towns is a very different thing and varies according to distance from the forests. It would be

impossible in any rules to make provision as to the limit of value of wood got at such places. If in any cases the persons to whom free grants of wood are made can appropriately get the wood at dépôts within or close to the forest area or at departmental cuttings, there is of course no objection, but this is a matter for arrangement by the Forest Officers and not for regulation by rules.

(2) In the Southern Circle when wood is given free for any purpose for use in outside districts the value of the free grant should be assessed on an estimate of the average auction-sale rates of the current year or the year previous according to circumstances. In Kánara and Belgaum the value should be calculated according to the seigniorage or royalty fees.

In the Northern and Central Circles the year's auction-sale rates in a district should be taken as the standard for calculating the value of free grants of wood which may be made therein (Government Resolutions No 2126, dated 12th April 1881, No 3371, dated 11th June 1881, and 3707, dated 28th June 1881)

Delay in
supplying
timber
to free
grantees
should be
avoided

455. The value of free grants of wood is very much reduced by delay on the part of the Forest Department in supplying timber. The Conservator will take care that there may be no complaints on this subject, and it will be the duty of the Collector to prevent any unnecessary delay (Government Resolution No 2331, dated 31st May 1880.)

Free
grants
admissible
to agricul-
tural
labourers
or sub-
tenants

456. There is no objection to the submission of recommendation for the grant of wood, free of charge, to agricultural labourers or sub-tenants of registered cultivators in special cases (Government Resolution No 2614, dated 27th March 1885)

Free
grants to
rayats of
alienated
villages

457. In cases where the alienee has forest rights, the rayats of alienated villages should look to him for free grants of timber; in cases where the forest rights are vested in Government, there is no objection to allow them grants as if they were inhabitants of unalienated villages (Government Resolutions Nos 3752, dated 20th June 1887, and 5486, dated 18th August 1887)

Free
grants to
subordi-
nates of
the Forest
and other

458. Government have already directed in their Resolution No 8130, dated 18th November 1886, that assistance in *material* may be given to forest guards who construct huts for themselves within their beats or rounds. In their Resolutions Nos. 1051 and 1662, dated 15th February

1887 and 2nd March 1897, Government have sanctioned, ^{Depart-} under conditions, the grant of free timber to "poor people". ^{ments.}

In the latter term, subordinates not of the Forest Department only but of all Government Departments are included if their circumstances bring them within the meaning of the term. These concessions are in the opinion of the Governor in Council sufficient for the legitimate needs of subordinates of the Forest Department. (Government Resolution No. 1191, dated 18th February 1901.)

459. Government do not consider it necessary to compel ^{Free} the Postal Department to pay for the comparatively small ^{grants to} quantity of wood which is apparently required by it for ^{the Postal} sheds for postal runners, torches, etc. Government, however, ^{Depart-} expect that the Commissioner and the Conservator of Forests ^{ment.} will take all measures needed to prevent any abuse of the privilege on the part of the subordinates of the Postal Department and injury of the forests. The wood should be cut in such forests as the Forest Officers consider it may be cut in without injury, and it should be supplied to the Postal Department free of all charge except the expense incurred in cutting and removing it, the latter being arranged for by the Postal authorities themselves.

(Government Resolution No 4061, dated 5th August 1880; No. 8812, dated 8th November 1884; and No. 1742, dated 28th February 1885.)

460. (1) The Commissioners of Divisions and in Sind ^{Free} are empowered to make grants of timber from Government ^{grants} waste lands outside forests, subject to the same conditions ^{from} as have been laid down for grants from forests, provided ^{Govern-} they are satisfied in each case that the trees are not required ^{ment} for shade or any other public purpose. (Government Reso- ^{waste} lution No. 8811 of 4th September 1907.) ^{lands or}

(2) The Collectors in the Presidency proper are empowered to make free grants of wood from such lands up to the value of Rs. 50 subject to the above conditions. (Government Resolution No. 5736 dated 14th June 1909.) ^{forests in} ^{charge of} ^{Revenue} ^{Depart-} ^{ment}

(3) The Collectors in the Presidency proper are empowered to make free grants of timber from forests or revenue waste lands in their charge up to the limit of Rs. 50 for religious purposes to village communities, public bodies, etc., in their collective capacity subject to the conditions that the Collectors are satisfied that the trees are not required

for shade or any other public purpose, that the Divisional Forest Officer (if there is one) is consulted before the grant is made and that care is taken not to denude the lands of trees. (Government Resolution No 7113 of 31st July 1912.)

Free
grants for
industrial
purposes
or works
of public
utility
Powers
of officers

461. Special grants of timber or other forest produce, free or at favourable rates, for specific purposes, require the sanction of the Government of India if they exceed the following values—

(1) For the construction of large works of public utility, such as railways, tramways, and the like—Rs. 10,000.

(2) To Village Communities, Public Bodies, Departments of Government, or sections of the Community in their collective capacity—Rs. 1,000.

(3) In other cases—Rs. 500.

Within these limits, and subject to the principles laid down in Circular No. 8-F., dated 21st May 1895 (*vide* appendix VI), such grants may be sanctioned by the Local Government; but all concessions of whatever value made under (1) for the construction of railways or tramways must be reported at once to the Government of India. The Local Government may delegate to the Chief Conservator or Conservator the power of sanction (subject to the above limits) up to the value of Rs. 1,000 and to any selected officer or class of officer in charge of a Forest Division up to the value of Rs. 250 in any one case (Article 53, Forest Department Code, VII Edition)

The Conservators and Deputy Conservator of Forests in charge of Circles are authorised to sanction the grants for the purposes mentioned in clauses (2) and (3) up to the limits specified therein, and to delegate to Deputy and Extra Deputy Conservators of not less than 10 years' service the power of sanction up to the limit of Rs. 100 in any one case for the same purposes. A report of the grants made should be submitted to Government by 1st August each year in the subjoined form. Grants for the purposes stated in clause (1) continue to require the sanction of Government.

* The Chief Conservator may delegate the power to Deputy and Extra Deputy Conservators of between 7 and 10 years' service (Government Order, Revenue Department, No 14511 of 10th December 1910).

Statement of Free Grants, etc., of Forest Produce sanctioned by the Conservator of Forests, Circle, during the year ending 31st July 1911, vide Government Resolution No. 8885, dated 3rd October 1910, R. D.

Name of Grantee and Residence.	Locality	Purpose for which granted.	PRODUCE GRANTED.				Remarks
			Description.	No. or quantity.	Value.	Whether free or at favourable rates.	
1	2	3	4	5	6	7	8

Conservator of Forests, Circle.

(Government Resolution No. 7324, dated 25th July 1907, and No. 8885, dated 3rd October 1910)

NOTE.—The orders in this article are restricted to concessions of timber, etc., required for industrial purposes or for works of public utility generally and do not affect free grants of a charitable kind or such as are made by way of concession to people living in the vicinity of forests. These latter are regulated by the orders in the preceding Articles

(Government Resolutions Nos. 7744, dated 25th September 1905, and 924, dated 28th January 1919.)

(c) MINOR FOREST PRODUCE.

462. 1. The principle which should govern the action of the officers concerned in the matter of regulating the collection of articles of minor forest produce is that—

I. Exploitation should be limited—

(1) to articles for which a trade demand exists or for which there is a reasonable probability that such a demand may in time be created, and, in respect of such articles, to localities in which they are produced in sufficient abundance, and which are sufficiently accessible to be worth working;

Principles to be observed in the collection and sale of minor forest produce.

Articles to be exploited.

(2) to articles, such as catechu, the collection or manufacture of which it is necessary in the interests of forest conservancy to keep under effective control.

II Except in so far as they may be reserved for exploitation in each district from year to year in pursuance of that principle, the collection and sale

of articles of minor forest produce, in open forests should be left free and unrestricted.

2. The application of this principle will naturally vary in different districts and in different seasons, and His Excellency the Governor in Council considers that it should be left to the Revenue and Forest authorities of each district to consider and decide in concert each year, before the collecting season begins,

(a) what articles in what localities it will be proper to exploit, having regard to local conditions and past results ;

(b) what arrangements should be made or what conditions imposed, either generally or specially, in order to prevent hardship and secure the greatest benefit to the people employed in collecting.

3. It should be clearly understood that Government are not anxious to make a revenue from minor produce, and that the application of the principle should not be allowed to operate in restriction of any rights or privileges of collection for private use or sale that may have been, or may hereafter be, recognized under due authority. Any difference of opinion among the district officers should be referred for settlement to the Commissioner through the Conservator. The decision of the Commissioner should be regarded as final.

4. The arrangements agreed upon, the results of the year, and the progress made in the direction desired, that of creating or extending industries which improve the condition of the forest tribes, should be noticed fully in the District Revenue and Forest Administration reports for the year and summarized and compared by the controlling officers for the information and orders of Government.

(Government Resolution No. 9846, dated 15th December 1892.)

Thorns to
be sup-
plied free
for

463. Thorns from Government Forests required for fencing road-side trees, both on Provincial and Local Fund roads, should be granted free of payment. The sanction of

Government in each case is not needed. (Government Resolution No. 7740, dated 25th September 1885.)

464. Rent for toddy trees growing in forest lands should be recovered by the Forest Department at the rate of 8 annas per tree when they are given for tapping. But permission to tap the trees can be given only by the Excise and not by the Forest Department. (Government Resolution No. 5544, dated 8th June 1911.)

465. The Forest Guards should mark and number the toddy trees in forest lands and receive remuneration at 6 pies per tree tapped. (Government Resolution No. 319, dated 12th January 1914.)

466. For rules and orders regarding prospecting licenses and mining leases in respect of forest areas, see the Bombay Mines Manual, edition of 1918, containing the Indian Mines Act, No. VIII of 1901, the rules framed thereunder, forms of prospecting licenses and mining leases, etc., and miscellaneous Government orders and rulings relating thereto.

467. No charge should be made for the extraction of minerals from forest or waste lands at the disposal of Government by Government Departments for their own use, whether under their own supervision or by contractors working *bonâ fide* on behalf of such departments. (Vide Government of India orders circulated with Government Resolutions Nos. 5792, dated 3rd August 1897, and 2382, dated 7th March 1912; these forms have been printed as sub-Appendix A of Appendix XXII of Volume I of this Manual.)

468. The concession granted to the Public Works Department exempting that Department from payment of fees for stone obtained for public purposes from quarries situated in lands included within reserved forests may be extended to the Local Funds Department and Municipalities, provided the permission of the Divisional Forest Officer is first obtained in each instance. (Government Resolutions Nos. 1802, dated 28th March 1881, and 6139, dated 6th September 1882.)

469. In exercising the discretion vested in him by No. 39* of the rules under the Land Revenue Code the Collector should be subject to the

*39 (1) The Collector may, at his discretion, sell by public auction or otherwise dispose of the right to remove earth, stone, hankar, sand, muram or any other material which is the property of Government for such periods, in such quantities and on such terms as he thinks fit: etc."

Earth, stone, etc., from Government waste lands may be removed free by

Government Departments, Local Boards and Municipalities through their officers or contractors special orders of Government in any particular case, allow the officers or contractors of any Department of Government or of any Local Board or Municipality to remove without payment, subject to his supervision, for use in carrying out works of public utility, earth, stone, kankar, sand, muram or any similar material from the bed of the sea or of any creek, river, nala or public tank, or from any unoccupied unassessed land other than forest or from any unoccupied assessed land not assigned for a public purpose. In order to guard against the danger of contractors abusing the privilege by extracting much more than their contracts warrant and applying the excess to their own purposes, the following procedure should be followed :—

Procedure to be followed when the material is removed through contractors When any material is to be removed from Government quarries by contractors, free of charge, for the execution of works for a State Department, the contractor should be allowed to remove from the quarries only the quantity of material for which he holds orders from the Executive Engineer concerned, who should furnish him with an indent specifying distinctly the quantities of stone, sand, gravel and similar materials actually required for the work. The same procedure should be adopted in the case of requirements of the Local Boards which, though not Departments of Government, are managed, and, so far as executive work is concerned entirely controlled, by officers of Government.

When any material is to be removed by a contractor on behalf of a Municipality, the officer in charge of the taluka should have a bill prepared for the quantity actually taken from the quarry. The contractor should then be furnished by the Engineer in charge of the work (or where there is no Engineer, the chairman of the Managing or Works Committee) with a certificate of exemption for the amount of material actually utilised on the work, the estimate being based on the bills for work passed in favour of the contractor. For instance, if the work was bridge work, then the bills would be for so many cubic feet of rough stone as quarried, or so much lime stone, or kankar, or sand, as the case might be. A comparison of the bill issued by the Mamlatdar or Mukhtiar-kar with the certificate of exemption granted by the Engineer will at once show whether any material in excess of the actual requirements of the work has been removed by the contractor without payment of fees (Government Resolution No. 8824 of 12th September 1906.)

470. The concession allowed in Government Resolution No. 8824 of 12th September 1906 for Local Board works executed through Public Works Department in the case of Government quarries is to be considered as extended to Government forests and waste lands. (Government Resolution No. 5397 of 10th June 1914.)

The concession allowed by the preceding article extended to Government forests.

471. For the purposes of the Great Indian Peninsula Railway undertaking within the limits of this Presidency, royalties or fees shall not be levied on material, *e.g.*, stone, shingle, sand and gravel, removed for the purposes of the undertaking either from lands which have been formally made over to the Company, or from the beds of nullahs, rivers, etc., vesting in Government, from Government unassessed waste lands, from Government unoccupied assessed land not assigned for special purposes, or from quarries not in the formal possession of the Railway situated in Government unalienated land, whether the material is removed departmentally by the Railway Authorities or through contractors, or from land included in reserved forest, when the material is removed departmentally by the Railway Authorities.

Exemption of the G I P. Ry. from payment of royalty or fees on material, *e.g.*, stone etc.

When material is to be removed from lands not formally made over to the Company, other than from quarries not in the formal possession of the Railway situated in Government unalienated land, the following procedure should be adopted: the Railway Engineer should apply to the Collector of the District or the Conservator of Forests, as the case may be, for permission to quarry or excavate material, and the village and survey number from which it is proposed to quarry or excavate the material should be specified, and quarrying or excavating operations should not be commenced until the permission of the Collector or Conservator, as the case may be, is first obtained.

In cases where the material is to be removed through a contractor, the Railway Engineer should state the fact in his application to the Collector, giving the name of the contractor.

Whether the material is removed departmentally by the Railway Authorities or through contractors, it is essential that measures should be adopted to prevent any such material being disposed of to private persons by either the subordinates of the Railway or the contractors. Where the material is removed departmentally by the Railway Authorities, the

latter should, therefore, arrange to utilise all the material quarried or excavated and in case any of the material cannot be utilized, information should be furnished to the Collector or Conservator as to the quantity remaining at the site; to secure this end, the Engineer in charge of the work should, in the case of each quarry or river or nullah bed or forest plot, measure the quantity excavated, and furnish the Collector or Conservator, as the case may be, with information regarding these quantities, as also regarding the quantities that may be actually removed by the railway.

Where the material is removed through contractors, the latter will be allowed to remove only the quantity of material for which they hold orders from the Engineers in charge of the works, who should furnish them with indents specifying distinctly the quantities of the material actually required for the works.

In the case of land included in reserved forest no trees should be felled except such as actually obstruct quarrying or excavating operations. The application made to the Conservator should state whether it will be necessary to fell any trees, and the felling should take place in the presence of such local Forest Officer as the Conservator may direct to be present. Any felled trees and timber should be stacked on the border of the plot and handed over to the local Forest Officer for disposal by him.

When material is to be removed, either departmentally, by the Railway Authorities or through contractors from quarries not in the formal possession of the Railway situated in Government unalienated land, the Railway Engineer should obtain a pass from the Collector for the quantity that is required to be removed for the Railway, the names of the contractors being furnished to the Collector, in those cases where the material is to be obtained through their agency. (Government Resolutions Nos. 1337 of 30th April 1902 and 3221 of 23rd September 1907.)

Revenue from quarries in charge of Forest Department should be credited to "Forests" in other cases to "Land Revenue."

472. The revenue realized from quarries and minor mineral products in Government forests and lands which are under the management of the Forest Department should be credited—and correctly so—to "Forests" and where such forests and lands are not under the management of that Department, to "Land Revenue (Miscellaneous)." (Government Resolution No. 1253, dated 14th February 1889.)

(d) CLASSIFICATION AND CALCULATION OF VOLUME OF
TIMBER, ETC.

473. A schedule of classification of timber showing how to calculate its outturn in cubic contents :—

Timber.

Classification
of
timber
and fire-
wood, etc.

Length Feet	Girth at butt end Inches	Designation.	Measurements reckoned in cubic feet
6 and over	48 and over	Logs	Actual measurement
12 and over	30 and under 48	Beams	11.5
"	24 " 36	Rafters I	4.5
"	18 " 24	Rafters II	2.25
"	9 " 18	Rafters III	0.75
6 and under 12	18 " 48	Posts I	2.5
"	9 " 18	Posts II	0.5
3 and under 6	0 and over	Butts	0.75
Any length	under 9	Jenties or Jiranti pieces	0.25

Firewood, Charcoal, etc.

Quantity.	Firewood Measurement rec- koned in cubic feet	Charcoal. Measurement rec- koned in cubic feet.	Thorns. Measurement rec- koned in cubic feet
Stack	$\frac{1}{2}$ cubic measurement of stack.		...
Cart-load	25	40	10
Bullock-load	4	8	2
Ass load	2.5	5	1.25
Head-load	1.5	3	75

474. The foregoing table is to be used for calculating the measurement of material removed from coupes sold standing; materials removed under Malki or Inamdars' passes; trees sold in Malki numbers; material removed from Forest Dépôts in cases where actual measurement is not ordered to be taken, firewood and thorns removed under permits.

All timber and firewood brought to sale depots and all timber removed under free grants or on permit should be actually measured in accordance with the standing orders.

475. The following is a table prepared by the Working Plans Officer, Central Circle, for calculation of Volume of various classes of timber :—

Table for calculating the number of cubic feet sold of Timber and Fuel, drawn up in accordance with paragraph 7 of the Conservator's Circular No 2470, dated October 1900

TIMBER.

Class of Timber	Number of timber pieces													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
	Volume in solid cubic feet.													
Beams	11½	23½	34½	46½	58½	69½	81½	93½	104½	116½	127½	139½	151½	162½
Rafters I	14½	8½	19½	17½	22½	29½	31½	33½	39½	44½	48½	53½	57½	62½
Rafters II	27½	41½	61½	91½	111½	131½	151½	181½	201½	221½	241½	261½	291½	311½
Rafters III	27½	41½	61½	91½	111½	131½	151½	181½	201½	221½	241½	261½	291½	311½
Posts I	27½	41½	61½	91½	111½	131½	151½	181½	201½	221½	241½	261½	291½	311½
Posts II	27½	41½	61½	91½	111½	131½	151½	181½	201½	221½	241½	261½	291½	311½
Butts	11½	11½	11½	11½	11½	11½	11½	11½	11½	11½	11½	11½	11½	11½
Loppings	11½	11½	11½	11½	11½	11½	11½	11½	11½	11½	11½	11½	11½	11½
	Number of timber pieces													
	15	16	17	18	19	20	21	22	23	24	25	26	27	28
	Volume in solid cubic feet.													
Beams	174½	186½	197½	209½	220½	232½	244½	255½	267½	278½	290½	302½	313½	325½
Rafters I	60½	70½	75½	82½	88½	95½	102½	109½	116½	123½	130½	137½	144½	151½
Rafters II	33½	37½	38½	40½	42½	44½	47½	49½	51½	53½	56½	58½	60½	62½
Rafters III	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
Posts I	36½	38½	41½	43½	45½	48½	50½	53½	55½	57½	60½	62½	65½	67½
Posts II	8½	8½	9½	10½	10½	11½	11½	12½	12½	13½	13½	14½	14½	15½
Butts	12½	13½	13½	14½	15½	16½	17½	17½	18½	19½	20½	21½	21½	22½
Loppings	25½	24½	3	5	7½	3½	3½	3½	4	4	4½	4½	4½	4½

Class of Timber.	Number of timber pieces.											
	29	30	31	32	33	34	35	36	37	38	39	40
	Volume in solid cubic feet											
Beams	337	348½	360½	371½	383½	395	406½	418½	430	441½	453½	464½
Rafters I	128½	132½	137	141½	145½	150½	151½	159½	163½	168	172½	176½
Rafters II	65	67½	69½	71½	74	76½	78½	80½	82½	85	87½	89½
Rafters III	24	25	25½	26½	27½	28½	29	29½	30½	31½	32½	33½
Posts I	69½	72½	74½	77½	79½	82	84½	86½	89½	91½	94	96½
Posts II	16	16½	17	17½	18½	18½	19½	19½	20½	21	21½	22
Butts	23½	24½	25	26	26½	27½	28½	29½	30	30½	31½	32½
Loppings	5	5	5½	5½	5½	5½	6	6½	6½	6½	6½	6½
Number of timber pieces.												
41	42	43	44	45	46	47	48	49	50	51	52	
Volume in solid cubic feet												
Beams	476½	488	499½	511½	523	534½	546½	557½	569½	581	592½	604½
Rafters I	181½	185½	190	194½	199	203½	207½	212½	216½	221	225½	229½
Rafters II	91½	94	96½	98½	100½	103	105½	107½	109½	112	114½	116½
Rafters III	34	34½	35½	36½	37½	38½	39	39½	40½	41½	42½	43½
Posts I	98½	101½	103½	106	108½	110½	113½	116½	118	120½	123	125½
Posts II	22½	23	23½	24½	24½	25½	25½	26½	27	27½	28	28½
Butts	33½	34	34½	35½	36½	37½	38	38½	39½	40½	41½	42½
Loppings	7	7½	7½	7½	7½	7½	8	8½	8½	8½	8½	8½

Class of Timber	Number of timber pieces											
	53	54	55	56	57	58	59	60	61	62	63	64
	Volume in solid cubic feet											
Beams	615½	627½	630	650½	662½	674	685½	697½	708½	720½	731	743½
Rafters I	23½	238½	243	247½	252½	256½	260½	265½	269½	271	278½	282½
Rafters II	118½	121	123½	125½	127½	130	132½	134½	136½	138½	141	143½
Rafters III	14	147	45½	104	174	48½	19	49½	60½	51½	52½	53
Posts I	127½	190½	132½	135	177½	139½	142½	144½	147	149½	151½	154½
Posts II	20½	20½	30½	30½	31½	32	32½	33	33½	34	34½	35½
Butts	43	43½	144	151	161	17	17½	18½	19½	20½	21	21½
Looppings	9	9½	9½	9½	9½	9½	10	10½	10½	10½	10½	10½

Class of Timber	Number of timber pieces											
	65	66	67	68	69	70	71	72	73	74	75	76
	Volume in solid cubic feet											
Beams	775½	767	778½	790½	801½	813½	824	836½	847½	859	870½	882½
Rafters I	287½	291	296½	300½	305	309½	313½	318½	322½	327	331½	336
Rafters II	145½	147½	150	152½	154½	156½	159	161½	163½	165½	168	170½
Rafters III	61	54½	55½	59	57½	58	59½	59½	60½	61½	62½	63
Posts I	156½	159	161½	163½	166½	168½	171	173½	176	178½	180½	183½
Posts II	35½	36½	36½	37½	38	38½	39	39½	40½	40½	41½	41½
Butts	52½	53½	54½	55	56	56½	57½	58½	60½	60½	60½	61½
Looppings	11	11½	11½	11½	11½	12	12	12½	12½	12½	12½	13

Class of Timber.	Number of timber pieces											
	77	78	79	80	81	82	83	84	85	86	87	88
Volume in solid cubic feet.												
Beams	893½	905½	917	929½	940½	951½	963½	975	987½	999½	1011	1022½
Rafters I	340½	344½	349½	353½	358	362½	366½	371½	375½	380	384½	389
Rafters II	172½	174½	177	179½	181½	183½	186	188½	190½	192½	194½	197
Rafters III	64	64½	65½	66½	67½	68	68½	69½	70½	71½	72½	73
Posts I	183½	188	190½	192½	195½	197½	200	202½	204½	207½	209½	212
Posts II	42½	43	43½	44	44½	45	45½	46½	46½	47½	47½	48½
Butts	62½	63½	64	64½	65½	66½	67½	68	68½	69½	70½	71½
Loppings	13	13½	13½	13½	13½	14	14	14½	14½	14½	14½	15
Number of timber pieces												
89	90	91	92	93	94	95	96	97	98	99	100	
Volume in solid cubic feet												
Beams	1034½	1045½	1057½	1068	1080½	1092½	1104	1115½	1127½	1138½	1150½	1162
Rafters I	393½	397½	402½	406½	411	415½	420	424½	428½	433½	437½	442
Rafters II	199½	201½	203½	206	208½	210½	212½	215	217½	219½	221½	224
Rafters III	73½	74½	75½	76½	77½	78	78½	79½	80½	81½	82½	83
Posts I	214½	217	219½	221½	224½	226½	229	231½	233½	236½	238½	241
Posts II	49	49½	50	50½	51½	51½	52½	52½	53½	54	54½	55
Butts	72	73	73½	74½	75½	76½	77	77½	78½	79½	80½	81
Loppings	16½	15½	15½	15½	15½	16	16½	16½	16½	16½	16½	17

LOGS.—The Volume of the class "logs" should be ascertained by reference to Carter's Computation Tables, pages 1 to 10.

FUEL

- 1 Number of cubic feet solid of Fuel = $\frac{1}{3}$ rd number of cubic feet rough stacked

Note — "Thorns" should be measured separately from other fuel and their solid volume should be taken as $\frac{1}{4}$ th of their rough stacked volume.

- 2 One cart load = 20 cubic feet solid. One bullock-load = 4 cubic feet solid
 One ass load = $2\frac{1}{2}$ cubic feet solid One head-load = $1\frac{1}{2}$ cubic feet solid.

General Rules for taking measurements of logs are —

476. General rules for taking measurements of logs

Length should be taken to the nearest $\frac{1}{4}$ foot; fraction below $1\frac{1}{2}$ inches being dropped and over $1\frac{1}{2}$ inches reckoned as $\frac{1}{4}$ foot

Girth should be taken of all squared round logs in the centre $\frac{1}{2}$ inch and under being dropped and over $\frac{1}{2}$ inch reckoned as 1 inch.

Moss, bark, cow-dung, mud, etc., upon the log likely to vitiate its measurements should be removed.

(Quarter girth) $2 \times \text{length} = \text{cubic contents}$

Mangesh Rangappa's tables for squared logs should be used in all the Divisions but the volumes of logs of over 30' up to 50' in length should be added (Government Order No 3222, dated 23rd March 1916)

(c) MISCELLANEOUS.

Rules for the exploitation of sandalwood in Dharwar and Kanara Permit rules

477. The rules for the exploitation of sandalwood in the Dharwar and Kanara Districts are given in Appendix II-10.

478. The rules regulating the issue and execution of permits for timber and other forest produce are given in Appendix VII.

Employment of the Supply and Transport Corps

479. The Forest Department equally with other Departments of the State should, when possible, give carrying work to the Supply and Transport Corps. (Government Resolution, General Department, No 7029, dated 16th December 1902.)

PART VI.

Miscellaneous.

CHAPTER XXXIX.

A —STATIONERY.

480. For ruling regarding purchase of stationery and rubber stamps *vide* item (f) of Appendix BBBB of the Civil Account Code, Volume I.

Purchase of stationery and rubber stamps.

481. Heads of offices may sanction petty local purchases of stationery and rubber stamps up to a limit of Rs. 20 in each case. (Government Resolution, General Department, No. 3511 of 12th May 1908)

Power of heads of offices to purchase locally

B —PRINTING.

482. Heads of offices have been authorized to get their printing work done at Government presses in urgent cases in anticipation of Government sanction which should be obtained later on. No work should be sent to a private press for printing unless it is of such an urgent nature as to preclude its being printed at a Government press in time (Government Order, General Department, No. 600, dated 29th January 1917.)

Printing work should not be sent to private presses except in urgent cases

483. The charges in respect of work done at private presses will be met from the contingent grants of the officers concerned, but they should not be actually paid until they have first been passed for payment in the Presidency proper by the Superintendent of Government Printing and in Sind by the Manager of the Commissioner's Press, Karachi. (Government Order, General Department, No. 6259, dated 12th August 1915.)

Charges for work done at private presses should be passed for payment by the Superintendent, Government Printing.

484. Conservators are authorized to sanction the printing of notices of sale of forest produce, etc., at Government presses, or at local private presses in urgent cases. (Government Order, General Department, No. 10655, dated 1st September 1917, and Revenue Department, No. 829, dated 10th March 1920.)

Conservators may print sale notices at Government presses.

Chief Conservator to deal with forest forms **485.** The Chief Conservator of Forests is empowered to deal finally with scheduled Forest Forms. (Government Resolution No 11615, dated 28th November 1918.)

Supply of official publications, books, etc. **486.** For rulings regarding supply of official publications and purchase of books, newspapers, etc., see items (d) and (c) respectively of Appendix BBBB of the Civil Account Code, Volume I

Conservators may purchase books, etc., within budget grants. **487.** (i) Conservators and the Deputy Conservators of Forests in charge of Circles may purchase for their own use books, newspapers or other publications and may sanction such purchases for the use of officers subordinate to them within the amount of the budget grants for purchase of books and of such re-appropriations as they may be able to effect, under the powers vested in them, from grants for contingent expenditure.

Official publications. (ii) The Superintendent, Government Printing, Bombay, Poona, will comply with requisitions from Conservators for copies of the Civil List and other official publications which are kept in stock at the Government Central Book Depot. Requisitions for copies of the Civil Account Code should be sent to the Accountant General and of the Public Works Department Code to the Superintendent, Government Printing, India. Copies of the Civil Service Regulations should be obtained from the Secretariat.

Supplies must be confined to what is actually necessary. Care of books. (iii) The Government does not undertake to supply books and newspapers indiscriminately and supplies must be confined to what is found actually necessary for the public service. All books and periodicals procured for any office should be registered or filed and must not be permanently removed from the office for which they were intended. (Government Resolution, Financial Department, No. 894, dated 27th February 1909.)

NOTE—For instructions regarding the register of books and responsibility of the head clerk in connection therewith see articles 189 and 190 and Appendix XXV of Volume I of this Manual

C—DEAD STOCK

System of returning to the Yeravda Prison Press the empty **488.** The system of returning empty packing cases, which contained forms, by the indenting officers to the Press, introduced under Government Resolution, Revenue Department, No. 4686, dated 13th May 1909, should be continued indefinitely.

2. The minimum number of cases to be returned to boxes
the Press should be fixed at ten. ^{which contained forms}

3. The officers concerned should note the necessity of forwarding to the Press, immediately after a consignment is booked, an advice of the consignment together with the railway receipt for the same.

4. Officers returning the empty boxes should bear all charges in connection with the carriage of the boxes as far as the Poona Railway Station and all further charges should be borne by the Yeravda Press.

5. Officers paying the cost of packing and freight on the forms supplied to them should be exempted from the obligation to return empty cases. This exemption should also extend to the officers who have to use packing cases for the detailed distribution of forms to offices subordinate to them, e.g., the Divisional Forest Officers. The Inspector General of Prisons may exempt offices from returning empties when the cost seems prohibitive.

6. The Manager may issue such instructions as seem to him necessary in connection with the orders now passed and in the matter of engagement of carts by officers in Poona. (Government Resolutions Nos. 9948, dated 29th October 1910, 5663 of 22nd June 1910 and 9840 of 18th October 1911.)

489. The following kinds of office tents are sanctioned for Forest Officers in the Presidency proper and Sind :—

Scale of
allowances
for Forest
Officers

(a) *In the Presidency proper.*

(1) For Conservators—

(Elgin Mills.)

Rs.

1 hill tent, 14' × 14', with both sywans enclosed	426
2 raoties for peons, 12' × 12', each ..	60

(2) For Divisional Forest Officers and officers in charge of Working Plans Branches—

Rs.

1 hill tent, 13' × 13'	400
2 peons' raoties, 12' × 12', each ..	60

Officers in charge of Working Plans parties are allowed 2 raoties 12' × 12' for Surveyors in addition to the above.

(3) For Sub-Divisional Officers—

1 Field Officers Kabul Pal, 9' \times 8', with outer fly extended to the grounds and with bathroom	Rs 141
1 raoti for peons, 10' \times 10'	55

Cost of carriage from Cawnpore is not included in the above figures

The lifetime of a tent should be taken to be 10 years.

The purchase of a new set of tents will not be allowed until a certificate is furnished that the old set is unserviceable

The purchasing officer will be held responsible for buying any cheap and flimsy tent, which is not likely to remain serviceable for the full period of 10 years

(b) *In Sind*

(1) For Deputy Conservator in charge, Sind Circle—

1 hill tent, 12' \times 12', complete with sywans (one sywan enclosed), dhurrie, purdahs, chicks, saleeta, pegs and mallet .	336
1 raoti for peons, 15' \times 15'	84

430

(2) For Divisional Forest Officers—

1 hill tent, 12' \times 12', complete with sywans (not enclosed), dhurrie, purdahs, chicks, saleeta, pegs and mallet ..	300
1 raoti for peons, 15' \times 15'	84

384

(Government Resolution, Financial Department, No 14 of 3rd January 1907)

NOTE —For rules regarding the maintenance of a register of dead-stock and submission of an annual certificate read article 65 of Volume I of this Manual For powers of officers in connection with purchase, sale and writing off of dead-stock see articles 92 to 94 and 101 to 104 of the same volume.

D — STORES

Procedure
to be
followed
when
indenting
for stores
from Eng-
land

490. The procedure followed in indenting for large supplies of expensive stores from England does not provide sufficiently for the obtaining of the explicit sanction and approval of Government in respect of the expenditure involved It is accordingly directed that when forwarding indents of stores for compliance, the officer in charge of

Forest Circles should draw special attention to items of new or unusual character, or to any unusually expensive order, and should fully explain the necessity or advantage of the expenditure involved. All forecasts of the value of the probable requirements in respect of forest stores as well as the indents for such stores should be submitted to Government in the Revenue Department (Government Resolution No. 176 of 10th January 1901)

491. Conservators are empowered to purchase in the local market any one article of European manufacture, or any number of articles of the same description, not exceeding Rs. 250 in value except such articles as should, under clauses (f) and (g) of Appendix BBBB of the Civil Account Code, Volume I, be obtained by indent on the Stationery Office. (Government Resolution No. 254 of 15th January 1909, General Department.)

492. When stores are purchased for a Government department, articles made in India shall always be preferred to imported articles, provided their quality is satisfactory and their price not unfavourable. This rule should be strictly observed.

When any purchases have to be made, in small as well as in large quantities, it must first be ascertained whether suitable articles can be had of Indian manufacture; only when these are not procurable should imported articles be purchased. (Government Resolution, General Department, No. 847, dated 8th February 1911.)

NOTE.—For further rules see clause (k) of Appendix BBBB of the Civil Account Code, Volume I.

493. Under article 101 of the Forest Manual, Volume I, "Capital expenditure" can be sanctioned by the Chief Conservator and Conservators subject to the limits specified in it, but if articles of European manufacture costing more than Rs. 250 have to be procured, the previous sanction of Government is necessary for their purchase in the local market under clause (l) of Appendix BBBB of the Civil Account Code, Volume I. (Government Resolution No. 6921 of 5th November 1900.)

494. All Heads of offices should note that the statements of the value of stores required by them during the financial year should be submitted to Government in the General

Power of
Conserva-
tors to
purchase
European
stores.

Articles
made in
India to
be always
preferred
to import-
ed article

Question
as to the
powers
of forest
officers to
purchase
articles of
European
manufac-
ture in the
local
market

Submis-
sion of
state-
ments of

value of
stores
required.

Department, through the Administrative Department, concerned, only when stores are required by them, and not later than the 1st August of each year, and that a blank return is in no case to be submitted (Government Circular, General Department, No 4881 of 4th September 1902.)

Indents
for store,
to be on
printed
forms and
type writ-
ten

495. All officers who indent for stores from England should use the printed forms of indents, and the items entered therein should be type-written and not copied by hand. (Government Resolution, General Department, No 5765, dated 18th October 1902)

Recovery
in India
from
steamers
of value
of items
damaged
or defici-
ent.

496. Despatch from His Majesty's Secretary of State for India to His Excellency the Right Honourable the Governor General in India in Council No 18, Financial (Stores), dated 2nd October 1908 —

"My attention has been drawn to the fact that in several instances the returned packing accounts of stores shipped to India show that various items have been short-delivered by vessels engaged for their conveyance, or delivered in a damaged condition, but that no recovery has been made from the agents of the steamers on the ground that the vessels have noted a protest

"2. Under the terms of the contracts for freight and conveyance of stores the vessels are bound to deliver the stores in like good order and condition as when shipped, subject only to the special exceptions contained in the Bills of Lading

"3 The mere fact of noting a protest does not, in the absence of satisfactory evidence that the loss or damage is really due to such excepted perils, relieve the owner of this responsibility.

"4 It is understood to be the custom in the case of most captains to note protest immediately on arrival and in many cases as a mere formal matter.

"5 The value of all deficiencies and damages should therefore be claimed from the agents in all cases except where there is a clear evidence that the loss actually falls within the exceptions.

Instructions should be issued to the receiving officers at all the various ports to claim accordingly, and that the amount of such claims should be clearly shown on the packing accounts, so that, in the event of any objection being raised in this country by the owners, the facts of the case may be known. (Government of India memorandum No 9792-9803-88

of 26th October 1908, Government Resolution, General Department, No 6888 of 20th November 1908)

497. The orders prohibiting the purchase of articles of European manufacture from the local market are not applicable to stationery purchased for vernacular offices from fixed contingent allowance. (Government Resolution, Financial Department, No. 3217 of 23rd August 1882.)

Orders prohibiting the purchase of articles of European manufacture from the local market, not applicable to stationery purchased for vernacular offices

498. All officers and departments indenting for bicycles for the public service on the Store Department of the India Office should ask for machines of the pattern of War Office mark II. (Government Resolution, General Department, No. 946 of 20th February 1903.)

Adoption of a standard pattern of bicycles for public service in India.

499. Heads of offices are authorized to purchase iron safes manufactured in India without the sanction of Government, provided that the cost of each does not exceed Rs 300 and can be met from the contingent grant of the officer concerned. (Government Resolution, General Department, No. 7463 of 12th December 1907.)

Purchase of iron safes manufactured in India.

500. Typewriters should be supplied only for the purpose of making clerical work more efficient and they should be provided only when they are needed for copying or when their use for that purpose would be economical. Officers who desire typewriters for their personal use are expected to obtain them at their own expense (Government Resolution No. 6653 of 18th August 1905.)

Principles to be observed in supplying typewriters.

For ruling regarding supply of typewriters *vide* clause (v) of Appendix BBBB of the Civil Account Code, Volume I.

501. The Chief Conservator of Forests is empowered to sanction the supply of typewriters from the Stationery Department so far as the Forest Department is concerned. (Government Order, General Department, No. 7314 of 22nd October 1918.)

Chief Conservator empowered to supply typewriters.

Supply of medicine chests to Forest Officers 502. The following kinds of medicine chests should be supplied to Forest Officers —

Medicine chest (Rs. 40)

- (1) Conservators of Forests
- (11) Divisional Forest Officers.

Medicine tin boxes (Rs. 6-8-0).

- (1) Sub-Divisional Forest Officers.

(Government Resolutions, General Department, Nos 565 of 31d February 1903, 2623 of 24th May 1904 and 8079 of 16th October 1915)

Supply of quinine 503. Conservators and Deputy Conservators in charge of Circles should indent for the supply of quinine treatments required for their Circles on the Superintendent, Yeravda Central Prison (Government Resolution No 7626 of 10th August 1906, and Government Resolution, General Department, No 5209 of 2nd July 1914)

When quinine 'treatments' are not available, tablets to be obtained from Medical Store-keeper 504. When quinine is urgently required for the establishments serving under them, district officers, instead of waiting for a supply of quinine hydrochloride 'treatments' should at once obtain, on an indent submitted through the Surgeon General with the Government of Bombay, a supply of the ordinary 5-grain tablets of quinine sulphate, which are equally efficacious and are always available at the Medical Stores, Bombay (Government Order, General Department, No 1439 dated 3rd March 1917. Previous Government Resolutions, General Department, Nos 7538 of 20th December 1911, 2157 of 30th March 1912 and 8079 of 16th October 1915)

Moore's Manual of Family Medicine and Hygiene 505. Copies of the 8th edition of 'Moore's Manual of Family Medicine and Hygiene for India' will be sold by the Government Book Depot, Poona, at Rs two each to Government officials in receipt of a smaller pay than Rs 500 a month and Rs 4-8-0 to those in receipt of a monthly pay of Rs 500 or more (Government Order, General Department, No 2391 of 10th April 1917)

E.—TOLLS.

Forest subordinate exempted from paying tolls 506. Foresters, Forest Inspectors and Guards when actually engaged on their duties are exempt from payment of ferry and road tolls (Government Resolutions No. 570 of 29th January 1877, No 1477 of 7th March 1877, and No. 3777 of 26th May 1886)

507. In exercise of the powers conferred on him by section 1 of Bombay Act II of 1878 (amending Bombay Ferries Act, 1868), the Governor in Council is pleased to declare that the persons, vehicles, animals, etc., mentioned in the following list are exempted from payment of Ferry tolls in addition to the persons exempted by section 3 of Bombay Act II of 1868:—

- | | | | |
|--|---|---|---|
| 1. All officers and soldiers of | * | ' | ' |
| 2. " " | " | " | " |
| " " | " | " | " |

8 Carts actually employed in the conveyance of material for the construction or repair of Public Works constructed or maintained by Imperial, Provincial or Local Funds.

In other cases when a ferry is crossed by carts, etc. hired for, or in use on, the Public Service the toll is to be paid and the sum recovered by a contingent bill. For instance, a Collector will pay toll for the whole of the carts containing his own baggage and the Government records and tents recovering the toll on account of the latter by a contingent bill.

9. Peons of all Departments wearing their belts.

10. Mail Carts " "

11. All Military and Public stores and "

12. All Village and District Officers and all officers belonging to any Departments under Government when actually travelling on duty, and who have been exempted under section 5 of the Tolls Act, 1875, and all Public Works and Local Fund Mistries, Mustering Karkuns, Postal-runners, Mukadams and Peons when provided with a pass showing that they are *bonâ-fide* employed in these Departments.

13. " " " "

Provided also that the exemption from payment of Ferry tolls in case of Government Officers is limited to the officials above mentioned and their actual conveyance, and does not extend to their camp equipage and personal baggage. The exemption is only to extend to the one horse on which the Officer may happen to be riding. (Government Notification No. 1582, dated 2nd May 1882)

NOTE.—Only such rules as apply to Forest Officers have been entered above, those portions of the Government Notification applying to other Departments have been omitted.

Explanation of the term "actual conveyance" with regard to exemption 508. The following memorandum from the Remembrancer of Legal Affairs, No. 658, dated 8th June 1882, on the above subject has the sanction of Government.—

"The provision of the notification referred to above which directs that the exemption from payment of ferry tolls which is limited to Government Officers and their actual conveyance 'is only to extend to the one horse on which the Officer may happen to be riding,' is not applicable to an officer whose 'actual conveyance' when he has to cross a ferry happens to be, say, a tonga and a pair of ponies or a camel

"2. The object of the provision is to prevent any mis-application of the term 'actual conveyance' For instance an officer may require six riding horses to accomplish a journey. In crossing a ferry the horse he happens to be riding is exempt, but not the other five horses. So, too, if an officer is making a journey by stages, using various modes of conveyance, the particular one which he is actually using when he has to cross a ferry alone is exempt from paying of toll whether it happens to be a carriage and pair, or a riding horse or a camel, or an elephant or any other kind of conveyance.

"3 The above provision has been taken from a Government order of long standing (Government Resolution No 2183 of September 15th, 1869) and, in my opinion, requires no modification at all." (Government Resolution, Financial Department, No. 2291, dated 20th June 1882.)

F.—CHARITABLE ENDOWMENTS

The Peyton Memorial Fund 509. The vesting of the Major-General Peyton Memorial Fund of 3½ per cent. certificates for Rs 3,700 in the Treasury of Charitable Endowments was sanctioned in Government Resolution, Financial Department, No 2489, dated 25th July 1896. The scheme approved is that the income be administered by the Trustees (the Collector of Kanara and the Conservator of Forests, S. C.) and awarded as a scholarship to such students of the Forest College as shall be a *bonâ fide* native of any of the districts of N. Kanara, Dharwar or Belgaum, who has passed the Matric examination of an Indian University or has passed the School Final examination of the Bombay University and taken up subject IV of the optional subjects entitling him to enter as a forest student at the College

510. The vesting of the Murray Memorial Fund for The Mur-
Rs. 1,100 in the Treasurer of Charitable Endowments was sanctioned in Government Order No. 5337, dated 30th April 1917. The scheme approved is as follows —

(1) The income accruing from the said property shall be administered by the Conservator of Forests, Southern Circle, for the time being.

(2) Rewards in money shall annually be awarded as follows —

(a) one amounting to one-half of the said annual income to the best worker in the forester's grade,

(b) two amounting respectively to one-quarter of the said annual income to the two best workers in the guards' grade.

(3) The said Conservator shall select the best workers with reference to the qualification reports submitted by the Divisional Forest Officers and from the personal observation of the Conservator.

(4) No person shall ordinarily be granted a reward more than once in his service in the guards' or in the foresters' grade: provided that a person granted a reward in the guard's grade may be granted another reward in the foresters' grade.

G.—FOREST CONFERENCES.

511. A conference of Forest Officers should be held in Poona annually in the rains to discuss all forest matters of importance. (Government Resolution No. 2351, dated 14th March 1910.)

Forest Conference to be held annually at Poona.

512. The controlling officer or officers should submit, through the usual channel, any proposals in connection with questions discussed at the Conference on which the orders of the Commissioner or of Government are required. (Government Order No. 12725, dated 19th December 1914.)

The controlling officer should submit proposals regarding orders of Commissioners or of Government.

H—GOVERNMENT BUILDINGS

513. Extract from the Secretary of State's Despatch No 14, dated 24th April 1863, to the Government of Fort St George

Housing
of Forest
establish-
ments.

"Another point which has hitherto been neglected is that sufficient protection should, as far as possible, be provided to persons working in the forests and the jungles. Major Morgan mentions the want of proper shelter for the men employed in the Anaimallais as one of the causes of the loss on that forest, and due provision for those who are working in these fever-haunted localities, besides being a duty on the part of Government would also, by husbanding the health and strength of their servants prove in the end a measure of economy."

The health of Forest Officers, who are necessarily out in the forests during a large portion of the most unhealthy season of the year, should be cared for as far as may be possible. Nothing will tend more to this end than the building of small huts for their accommodation in convenient situations. (Government of India, Agricultural, Revenue and Commerce No 465 of 11th April 1872, *vide* Government Resolution No 2021, dated 26th April 1872)

Rent of
quarters
for Range
Forest
Officers

514. Range Forest Officers for whom quarters are built by Government and whose pay exceeds Rs. 50 but does not exceed Rs 100 per mensem should be charged rent calculated under the rules subject to a maximum of 5 per cent of their pay; if their pay does not exceed Rs 50 per mensem they should be allowed to occupy the quarters rent-free

The above concession does not give a claim for rent where no quarters are provided by Government

Government are prepared to remit rents in cases where quarters built by the Forest Department, are not occupied as a residence by the Ranger's family for good reasons, such as the isolation or unhealthiness of the locality in which the quarters are (Government Resolution No A—1580 of 2nd August 1911, Public Works Department.)

Rent
remitted
in the case
of Range
Officers,
Mandvi
and
Dangs

515. In the case of Range Forest Officers of Mandvi and the three Dangs Ranges in the Surat district, the rent is remitted with reference to paragraph 3 of Government Resolution Public Works Department, No 1580 of 2nd August 1911, preceding article (Government Resolution No A—1703 of 21st February 1912, Public Works Department)

516. Range Forest Officers in Kanara (above ghats) district are allowed to occupy free of rent Government quarters provided for them. (Government Resolution No. 2180 of 29th February 1912)

Range officers in Kanara (above ghat) may occupy quarters rent-free

517. Office rent cannot be regarded as a personal allowance (Government Resolution No 4531 of 6th June 1885.)

Office rent not a personal allowance

518. The Government may grant allowances for the provision of office accommodation at their discretion upon the following conditions and restrictions —

Condition on which allowances for office accommodation may be granted

I. If separate accommodation is provided, the allowance shall not exceed the actual rent paid for such accommodation.

II. If the officer provides accommodation for the office in his own house, the allowance shall not exceed half the rent paid by the officer if he rents the house, or half the proper rent of the house if it is his own property

III. The allowance shall not exceed—

(i) any general or special departmental limit which is or may be prescribed by authority ; or

(ii) what is ascertained in the Public Works Department to be proper proportion of the rent of the house jointly occupied with reference—

(1) to the share of the accommodation occupied ,

(2) to the injury to the house as a private residence from its partial occupation as a public office (Government of India Resolution, Finance and Commerce Department, No. 3253, dated 17th October 1879 , Government Resolution, Financial Department, No. 4379, dated 10th December 1879)

519. The previous sanction of Government should be obtained to the provision of accommodation by any officer for office purposes in his own house or in premises attached to his house, as contemplated in Clause II of the preceding article In taking the orders of Government there shall be reported (1) the rent of the bungalow, (2) the amount of allowance sanctioned for office accommodation, and (3) the proper proportion of rent ascertained by the Public Works Department in accordance with Clause III, sub-clause (ii) of the same article. (Government Resolution No. 1743 of 4th April 1900, Financial Department.)

Sanction of Government necessary to the provision of office accommodation by a Government Servant in his own house or in premises attached to his house

Rent for
houses
and land

520. For powers of officers to sanction rent for houses and land and for office accommodation, *vide* article 96 of Forest Manual, Volume I. Read also article 8 of the same volume.

Standard
plans and
estimates
for forest
depôt and
guards'
quarters

521. A standard plan and estimate for Forest Dépôt are sanctioned in Government Resolution, Public Works Department, No 85-C W—721 of 27th April 1898 and standard plans and estimates for forest guards' quarters are approved in Government Resolution No 9507 of 1st October 1909.

Return
concern-
ing public
buildings
constructed
and
main-
tained as
residences
by De-
partments
other than
the Public
Works
Depart-
ment

522. As it is desirable that there should be an audit check with regard to the recovery of rents in the case of public buildings constructed and maintained as residences by departments other than the Public Works Department, it is directed that the officers in the Forest Department should submit to the Accountant General by the middle of May every year a return showing buildings constructed and maintained as residences by them. The return should include buildings whether rent-free or not and should be compiled in the form given below (Government Order, Financial Department, No 627 of 7th February 1919.)

Return of buildings

Serial No	Name of building and locality.	Name and designation of occupant	Authority for rent-free occupation	Fixed monthly rent		Period of occupation
				Authority	Amount	

occupied during the year

Rent recoverable			Rent realised during the year	Balance on 31st March	Remarks
Arrears on 31st March	Rent for the current year	Total			

523. (1) In questions of compound produce, there are ^{Produce} two classes which have to be considered, viz, the produce of ^{in com-} Government buildings used for public purposes, and that of ^{pounds of} Government buildings used as residences, and the produce ^{ment} again may be divided into produce of fruit trees and grass, ^{buildings.} or produce from sale of timber. The following rules deal with the whole of the above.

(2) The proceeds of the sale of all trees, fruit and grass, etc., in the compounds of Government buildings used as offices, hospitals, etc., should be credited to Public Works, Provincial Revenue, the disposal of the timber being in the hands of the Executive Engineer, and that of the other products in those of the head of the establishment occupying the premises.

(3) The proceeds of the sale of all trees in Government buildings occupied as residences will be paid into the Executive Engineer, without whose sanction no trees should be cut down, to be credited to Public Works, Provincial Revenue. The produce of all fruit trees, grass, etc., will be the property of the tenant for a time being, and the value of the same should be taken into consideration when fixing the rents of such buildings.

(4) The above does not refer to Military Cantonments. (Government Resolution No. 139-A—686, dated 6th April 1889, Public Works Department.)

524. The sale proceeds of timber in compounds in ^{Timber in} military cantonments should be credited to Cantonment ^{com-} Funds. (Government Resolution, Public Works Department, No. 4-A—13 of 5th January 1881.) ^{pounds in Mil-}

525. It is desirable that all reasonable precautions ^{Fire pre} should be taken to avoid the risk of fire in Government ^{cautions} offices, and the practice of storing waste paper in any Gov- ^{in public} ernment office building or out-house should, where it exists, ^{buildings} be at once discontinued. Iron bins placed in the compound would appear to be the most suitable receptacle for waste paper, the stock of which should not be allowed to accumulate. Firewood which is only likely to be stored in any quantity as attached property, should be kept isolated as far as possible. (Government Resolution No. A—53-a—160 of 1st February 1896, Public Works Department.)

526. Buckets with adequate means of water-supply ^{Buckets} should be provided in all Government buildings for dealing ^{to be} ^{provided}

- in all Government buildings, Charges for renewal of ropes, etc., to be met by occupants
- with fires that may arise. (Government Resolution No A—1367 of 18th June 1910, Public Works Department)
527. Charges for the renewal of ropes for sky-light shutters and clerestory windows in Government offices and residences should be met by departments occupying the buildings and by the occupants, respectively (Government Resolution No A—1743 of 8th August 1910, Public Works Department)
- Smoking prohibited in record rooms, etc
528. Heads of offices should issue orders that smoking is strictly forbidden in rooms in which records are kept or in which establishments are at work and to deal severely with any breach of the order (Government Order No 109 of 9th January 1903)
- Control over minor works for the P W D carried out through P W D vested in the Chief Conservator
529. The control over minor works for the Forest Department carried out by Public Works Agency is transferred to the Chief Conservator of Forests The Chief Conservator should submit an estimate of his requirements to Government in the Public Works Department annually by the 15th October. (Government Order No 10473, dated 7th October 1919)
- The limit for 'Minor Works' has been raised from Rs 5,000 to Rs. 10,000 (Government Order, Public Works Department, No A—15601, dated 30th August 1920)

I.—TAXES.

- Payment of Municipal taxes on Government buildings
530. Municipal taxes on Government buildings are regulated by clause (O) of Appendix B B B B of the Civil Account Code, Volume I
- It is the duty of the officers of the Department that occupies the building to satisfy themselves that the building is liable to taxation under the municipal rules for the time being in force, before asking for the Executive Engineer's certificate as to the fairness of the assessment (Government Resolution, General Department, No 3193 of 6th June 1898)
- Payment of water and halalkhor taxes on Government buildings
531. The rules regarding house tax should be extended to water and halalkhor taxes Where water is charged for by measurement and does not depend in any way on the assessment or valuation of the premises, the head of office may sanction the inclusion of water connections for

Government buildings in the Government water connections. He should in such cases certify that he has checked the quantity of water supplied and found it correct.

In the same manner when the charge on account of *halalkhor* tax is founded on service rendered, and not on the value of the property, the head of office in charge of the building concerned should be the certifying officer. If it is desired to challenge the fairness of the rate at which the total charge is calculated, the officer concerned should take the opinion of the Executive Engineer. (Government Resolutions, General Department, Nos 2514 of 9th July 1891, and 6897 of 20th November 1908)

J—RULES FOR THE INSTITUTION AND DEFENCE OF SUITS.

532. The following rules should be followed by officers in connection with the institution and defence of suits and other civil proceedings in the mofussil, in which Government or any officer of Government is a party, or in which Government have any interest. These rules form part of the "Rules for the conduct of the legal affairs of Government" approved in G. R., I. D., No 307, dated 1st April 1910, and printed separately as a compilation. They are also in force in Sind, subject to such modifications as are embodied in the foot-notes below certain rules.

I.—INSTITUTION OF SUITS ON BEHALF OF GOVERNMENT.

82. Any officer wishing to institute a suit shall submit a clear and detailed report, through the ordinary channel of communication, to the head of his department, showing—

(a) the circumstances which render the suit necessary ;

(b) the exact nature of the claim for which it is to be brought ;

(c) the steps, if any, which have been already taken to obtain satisfaction of the claim ;

(d) what objection or excuse, if any, the defendant has urged against the claim ;

(e) the evidence, both oral and documentary, which it is proposed to adduce in support of the claim ; and

(f) the evidence which, so far as is known, the defendant will be able to adduce in his defence.

All documents relied upon, and all the correspondence and written proceedings, whether in English or in the vernacular,

cular, connected with the subject-matter of the proposed suit, should accompany the report. Translations of important vernacular papers should also be furnished, and if files of papers are being sent with the report, distinguishing marks should be used so as to indicate the papers to which attention is to be directed.

Solicitor of defendant to be inquired into 83 It should be stated in the report whether or not the circumstances of the person against whom it is proposed to institute the suit are such as to render it likely that execution will be obtained of any decree that may be given against him.

The probability of the recovery of a sum at least equal to the costs should be ascertained before recommending the institution of any suit, unless, for reasons which should be explained, it is considered that the suit should be brought, notwithstanding that the recovery of costs is doubtful.

Report to be referred by head of department to the Legal Remembrancer 84 The head of the department, if he thinks that all the necessary preliminary steps have been taken and that there is *prima facie* sufficient cause for the institution of a suit on behalf of Government, shall refer the report with his opinion to the Legal Remembrancer.

Legal Remembrancer's duty on receipt of report 85 The Legal Remembrancer will then thoroughly inform himself of the whole of the circumstances, calling for such further information or additional papers as he thinks necessary, and communicate his opinion to Government in detail as to the advisability of instituting a suit.

Preparation of plaint 86 If the institution of the suit be sanctioned, a draft of the plaint will be prepared by the Government Pleader of the district in which the suit is to be instituted, in consultation with the officer who proposed its institution, and will be submitted by him direct to the Legal Remembrancer for approval. After the Legal Remembrancer has accorded his approval thereto, the plaint shall be signed, verified and presented by the said Government Pleader. True copies of the plaint as actually presented in Court, of any written statement filed by a defendant, and of the issues framed in each suit, as well as of any subsequent amendments of the issues or additional issues under rule 5 of Order XIV of Schedule I of the Civil Procedure Code, should also be sent without delay by the Government Pleader to the Legal Remembrancer.

II.—DEFENCE OF SUITS.

87. Section 80 of the Civil Procedure Code requires that suits against Government or Government officers should be preceded by a notice* to be delivered to or left at the office of a Secretary to Government, or the officer concerned. Notices of actions how to be dealt with. When a notice of this kind is received by a Secretary to Government, it will be at once forwarded to the officer principally concerned in, or cognizant of, the matter respecting which an action is threatened.

The officer receiving any such notice, whether from a Secretary to Government, or direct from the complainant, should give it immediate and careful attention. The complainant should be desired, when his statement as to the right asserted or infringement of right alleged, or as to the officer whose acts are impugned, is vague, to set these points forth succinctly and clearly, as the most effectual means towards obtaining such relief as may properly be given. Should it prove impossible to obtain a lucid and definite statement of the complainant's case in this way, he should be examined orally as to all important points, and his answers should be taken down in writing, and verified by his signature, or by a memorandum that the paper was read over to the complainant and assented to by him. The documents above referred to should in every case be carefully preserved, together with any that the complainant may produce in support of his claim or complaint.

88. The conduct or act complained of may have been either (1) wholly indefensible, (2) justifiable, or (3) of a mixed or doubtful character. Examination of the grounds of complaint.

In every case the officer receiving the notice should endeavour, without prejudice, to determine to which of these classes it is to be assigned.

If it is indefensible, it is his duty to do what lies in his power to give immediate redress, or to obtain it by a full report to the proper authorities.

If the complaint is plainly groundless, or if the threatened action is one which must undoubtedly be defended, if it is brought, no further notice need be taken of the complaint, but the officer concerned should at once proceed, as far as possible, to collect the information and papers which will be afterwards required under Rules 91 and 92.

*N.B.—A notice printed in a newspaper containing other matter does not satisfy the requirements of section 80, C. P. C. (see B. H. C., P. J., 1881, p. 286).

The chief difficulty arises in the third class of cases; and in these the officer receiving the notice should use every possible effort to distinguish between acts which have been properly done in the discharge of a public duty and those in which, through carelessness, ignorance, or imprudence, some real cause for complaint has been given. Such analysis will, in the majority of cases, reduce these acts under one of the two heads already considered, and they should then be dealt with accordingly. Where there is a doubt as to the real intention of the Government or of a superior authority in any order, the carrying out of which has occasioned the complaint that doubt should be cleared up by an immediate reference. When there is a doubt as to the legality of the act complained of, though it may have been done in apparent fulfilment of a rule or order issued by a superior authority, a clear statement of the case should be submitted for orders to be issued after the opinion of the Law Officers shall, if necessary, have been obtained.

Pending references in cases falling under either the first or third head, the complainant should be informed that some delay is requisite for the proper disposal of his complaint, and, when instructions have been received, he should be at once informed of what is to be done, but every endeavour should be made to have the matter disposed of within the period of two months from the delivery of the notice allowed by the Civil Procedure Code before the threatened action can be instituted.

Preliminary steps when summons is served on Government Pleader 89 When a suit has been instituted, if it is against Government and the summons is therefore served on the Government Pleader, he shall at once procure an uncertified copy of the plaint and forward it and the copy of the summons received by him (with the date of its receipt by him noted on the back) to the officer who himself, or by his subordinates, is alleged to have given rise to the plaintiff's cause of action.

If the plaint relates to the acts of two or more officers' the Government Pleader shall communicate as above with the principal of such officers.

Preliminary steps when summons is served on an officer personally. 90 If, owing to the suit being against an officer in his official capacity, the summons is served on that officer personally, he shall at once forward a *validatnama* to the Government Pleader (unless the Government Pleader already holds a general power-of-attorney from him), and procure from him an uncertified copy of the plaint.

91. The officer to whom the Government Pleader refers under Rule 89, and any officer who is sued in his official capacity, and who desires that Government should undertake the defence of the suit, shall collect, with the least practicable delay, all the information regarding the facts of the case which he can procure

Officer concerned to collect information.

92. He is then, within one month from the date of his being first apprized of the institution of the suit, to submit the following papers, through the ordinary channel of communication, to the head of his department, namely:—

Papers to be submitted to Head of Department

(a) a copy of the plaint in the vernacular, together with copies of any documents or list of documents annexed to the plaint,

(b) a translation of the same into English in half margin, the more important of the statements therein being distinctly marked with letters (a), (b), etc. and notes being added in the margin stating whether such statements are correct or not, and if not, in what respect they are inaccurate. (when the requisite explanation cannot be thus compressed, reference should be made to the paragraph of the accompanying statement in which the matter should be fully discussed);

(c) a full and detailed statement (1) of the circumstances which led to the suit, (2) of the course which it is proposed to adopt, namely, whether to admit, compromise, or defend the suit, and of the reasons for the same, and (3) if it is proposed to defend the suit, of the grounds on which it is proposed to base the defence, and of the evidence to be adduced;

(d) if the case turns on documentary evidence, copies of the documents (or the originals) relied on by the plaintiff (if procurable) and by the defence,

(e) all the correspondence and written proceedings, whether in English or in the vernacular, connected with the subject-matter of the suit together with translations of important vernacular papers connected with the subject-matter of the suit, and if files of papers are being sent, distinguishing marks should be used so as to indicate the papers to which attention is to be directed.

The forwarding report should state distinctly (1) the number of the suit, (2) the date on which, and the Court in which, it was instituted, (3) the names of all the parties, (4) the amount or value of the claim, (5) the date fixed by the

Court for the first hearing, and (6) whether notice of the action has been given under section 80 of the Civil Procedure Code, and if so, the date of delivery of such notice.

Applica-
tions for
adjourn-
ments
pending
receipt
of orders

93 If the suit is against an officer in his official capacity, he shall instruct the Government Pleader to move the Court, from time to time, to grant an extension of the time for hearing the claim, under Order XXVII, rule 7, of the Civil Procedure Code, until the orders of Government are received. In the case of suits against Government, the Government Pleader shall make the necessary applications to the Court for time, under Order XXVII rule 5, of the Code, without express instructions. If in any instance the Court is likely to decline to grant further time it is the duty of the Government Pleader to inform the officer concerned in the defence of the suit, and, in emergent cases, the Legal Remembrancer.

Procedure
when two
or more
officers are
jointly
concerned
in a suit

91 If two or more officers belonging to different departments are sued conjointly, or if the plaintiff in a suit against Government relates to the acts of two or more such officers, they should with the least possible delay, communicate one with the other, and after, if possible, mutual consultation with a view to a common line of defence, arrange for the preparation of a joint report. When a joint report is not sent, a separate report should be submitted simultaneously by each officer, care being taken by the officer principally concerned that all the requirements of Rule 92 are complied with.

Applica-
bility of
Rules 84
and 85

95 The provisions of Rules 84 and 85 relating to the institution of suits on behalf of Government shall apply, *mutatis mutandis*, to reports submitted under Rule 93.

Duty of
Govern-
ment
Pleader
when de-
fence of
suit is
sanction-
ed

96 If the defence of a suit against Government is sanctioned, or if Government undertakes the defence of a suit against an officer in his official capacity, a draft of the written statement to be filed in answer to the plaint shall be submitted by the Government Pleader to the Legal Remembrancer for approval and the written statement, as approved or revised by the Legal Remembrancer, shall be subscribed and verified by the Government Pleader, whose duty it is under Order XXVII, rules 5 and 8 (1), of the Civil Procedure Code, to "answer to the plaint". In the case of a suit of the latter class the Government Resolution sanctioning the defence is to be deemed to be the Government Pleader's "authority to appear and answer to the plaint", and he shall at once on receipt thereof move the Court to cause a note of his authority to be entered in the register, but shall not produce such Resolution in Court.

97. Sanction to the defence of a suit, the plaint in which Procedure is not accepted for want of jurisdiction but returned for in case of another presentation to the proper Court having jurisdiction, or suit based which is dismissed on account of some technical objection on same or similar such as want of due notice, shall, for the purposes of Rule 96, or similar cause of be held to include sanction to the defence of any subsequent action suit based on the same or a similar cause of action that may be brought by the same plaintiff unless, in the opinion of the Legal Remembrancer, there are special reasons which render it desirable to obtain further orders from Government in the matter.

In any such case the report under Rule 92 should be confined to forwarding such papers and information as are necessary to enable the Legal Remembrancer to consider whether any modification of his previous opinion, or addition to, or alteration in the grounds on which it was proposed to defend the former suit, is requisite. If the Legal Remembrancer considers there are no special reasons which render it desirable to obtain further orders from Government in the matter, he shall communicate his instructions for the defence of the new suit to the officer submitting the report under Rule 92 and to the Government Pleader, who shall thereupon proceed in accordance with Rule 96.

98. The written statement and the issues sought on behalf of Government are ordinarily to be in strict accordance with the opinion of the Legal Remembrancer so far as concurred in by Government, but the Government Pleader is responsible, in communication with the officer concerned in the suit, for the correctness and exhaustiveness of the details of the defence. Propriation of defence

A true copy of the issues framed in each suit, as well as of any subsequent amendments of the issues or additional issues under rule 5 of Order XIV of Schedule I of the Civil Procedure Code, should be sent without delay by the Government Pleader to the Legal Remembrancer.

III.—CONDUCT OF SUITS.

99. The responsibility for the conduct of a suit in accordance with the opinion of the Legal Remembrancer, so far as concurred in by Government, shall rest with the Government Pleader unless special counsel is appointed on behalf of Government; and it is the duty of the Government Pleader, during the progress of the suit, to consult the Legal Government Pleader's duties whilst a suit is under trial

Remembrancer on all matters connected with it as to which he experiences any difficulty or doubt, and especially in respect of any interlocutory order made by the Court, on any application of the opposite party, which seems to require particular instructions

If special counsel is appointed, it is the duty of the Government Pleader, subject to the orders of the Legal Remembrancer, to instruct him, and, when necessary, to prepare his brief, and generally to aid him in the conduct of the case

When any suit, in which

(a) Government is a defendant, or

(b) a Revenue-officer is a defendant and the defence is undertaken by Government,

is transferred by the District Judge to an Assistant Judge for trial, the fact should be at once reported by the Government Pleader through the Collector of the district to the Legal Remembrancer, together with the Government Pleader's opinion whether a certificate requiring the District Judge to try the suit himself should issue under clause (a) of section 16 of Act X of 1876. In the event of there being any great delay in the taking up and hearing of such suits, after the issues have been framed, the facts should similarly be reported to the Legal Remembrancer, with the Government Pleader's opinion whether a certificate should issue under clause (b) of the same section

Collector or other officer to furnish information and prepare evidence

100 In cases connected with the departments under the control of the Collector and District Magistrate, it is his duty, or that of any subordinate whom he may specially depute for the purpose, and in cases connected with any other department, it is the duty of the officer who proposed the institution, or who sought the sanction of Government for the defence of the suit (as the case may be), to ascertain that the Government Pleader, or special counsel, is thoroughly acquainted with the facts of the case, and with the evidence to be adduced in support of the claim, and to see that the necessary evidence, whether oral or documentary, is ready by the proper time. The Government Pleader must keep the Collector, or other officer, informed on all points on which his co-operation is necessary, and report, with the least possible delay, if any further evidence or information is required, moving the Court if necessary, from time to time, to postpone the case or adjourn the hearing.

101. When a suit is under trial, some intelligent officer thoroughly conversant with the facts of the case should be deputed to be present to instruct the Government Pleader as to the truth concerning matters which may arise unexpectedly, and to direct his attention to the documents, or other evidence, that may become important, at each stage of the trial. In important cases, and in every case in which special counsel is retained, an Assistant or Deputy Collector, or an officer of similar rank, should be deputed for this purpose.

An officer to be present at the trial to aid the Government Pleader

102. Should there be a difference of opinion between the Government Pleader or special counsel and the Collector or other officer at whose desire the suit has been instituted or defended, as to the manner of conducting the case, or should the opinion of the Legal Remembrancer prove unintelligible on any point, or open to objection, the Legal Remembrancer shall at once be communicated with in order that the difficulty may be settled. Should there eventually be an irreconcilable difference of opinion between the Collector or other officer and the Legal Remembrancer, a reference shall forthwith be made by the latter to Government.

Settlement of difference of opinion.

103. The following important points relating to the conduct of all suits should be carefully attended to by Government Pleaders and all officers concerned (namely).—

Important points respecting the conduct of suits

(a) the averments in a plaint, or in a written statement, should generally be based in every material point on the proof which can be adduced in support of them,

(b) the evidence, whether oral or documentary, on which it is intended to rely should be carefully scrutinized by the Government Pleader before it is adduced, and he should advise as to its admissibility, and probable importance or unimportance, for the purposes of the suit, and suggest what evidence, if it be forthcoming, may with advantage be substituted for any which, in his opinion, would be weak or inadmissible;

(c) all the available evidence should be assiduously collected and made ready for the day fixed for its reception, and the necessity of making applications for adjournment should, as much as possible, be avoided, and such applications on behalf of the opposite party should, unless they are made for sufficient reasons,

be resisted as tending to prolong the litigation, and to give opportunities for the fabrication of false evidence .

(d) all documentary evidence should be ready and should be produced at the first hearing of the suit (i.e., the day fixed for the settlement of issues), as required by Order XIII, rule 1 (1), of the Civil Procedure Code, and when a suit is instituted, the documents sued upon should be produced in Court when the plaint is presented, together with copies thereof, as required by Order VII, rules 14 and 17, of the Code, and the list of other documents relied upon as evidence, which is required by Order VII, rule 11, to be annexed to the plaint, should be very carefully prepared. Applications to the Court to accept any document in evidence, at any subsequent stage of the trial, should, unless under special circumstances, be avoided, as such applications cannot be granted without the grant of similar indulgence to the opposite party, which may place Government at a disadvantage and should be resisted, as providing occasion for forgery.

(e) documents filed by the opposite party should be carefully examined at the earliest opportunity, and compared with originals in the Government records, or with other papers which may tend to establish or subvert their authenticity ;

(f) the *production* of documents in the possession of Government or of any Government officer when lawfully required by the Court, or by the opposite party, should not be resisted unless for good and sufficient reasons such as are recognized by law, but the question of the *admissibility* of the documents when produced should be carefully considered and argued, it being borne in mind that the opinions of individual officers contained in official correspondence (which is so often called for by persons engaged in litigation with Government in order to establish their case) are, as a rule, not admissible in evidence .

(g) the object of Government in sanctioning either the institution or defence of any suit is simply to establish the truth, and whilst Government expect the utmost vigilance and care on the part of those entrusted with the conduct of litigation on their behalf in asserting and protecting their just interests, they would impress upon pleaders who have the charge of cases that they will not countenance any attempt to snatch an unfair advantage by the withholding of important evidence, or by any disingenuous proceeding whatever.

104. As soon as a suit is decided, the Government Pleader shall communicate the nature of the decision to the Collector, or other officer concerned, giving, in important or interesting cases, a brief statement of the grounds thereof, and shall forward a duplicate of his report at once direct to the Legal Remembrancer.

105. The Government Pleader shall then obtain with as little delay as possible two copies, one certified and the other uncertified, both of the Court's judgment and of its decree. The certified copies he shall forward to the Collector or other officer concerned; the uncertified copies he shall forward to the Legal Remembrancer direct

106. If the decision is entirely in favour of Government, the copies may be forwarded by the Government Pleader according to the last rule without comment, and the Collector or other officer shall communicate the result of the suit to the head of his department, sending him a copy of the judgment or not, as, under the circumstances of the case, he thinks fit

The Legal Remembrancer shall communicate the result of the suit to Government, together with a copy of the written judgment. The result of any such suit need not be communicated by the head of the department to Government, unless he is of opinion that for special reasons it is desirable to do so, in which case he shall submit his report to Government through the Legal Remembrancer.

IV.—APPEALS.

107. If the decision is either wholly or partially adverse to Government, the Government Pleader, when forwarding copies of the decree and judgment to the Collector or other officer concerned, shall state his opinion, with reasons, as to whether an appeal should be made.

108. The Collector or other officer, after perusing the judgment, shall call upon the Government Pleader to send him uncertified copies of such of the exhibits recorded in the case as he deems necessary to explain the grounds of the decision so far as it deals with the merits of the case (or in important cases, of all the material exhibits), and shall forward them, together with the certified copies of the judgment and decree already received from the Government Pleader, with a report, stating his opinion as to whether the

decision should be acquiesced in or appealed against, direct to the Legal Remembrancer.

Time within which report must be made

109. This report must be despatched so as to reach the Legal Remembrancer within *fifteen days* after the date of the decree in cases in which an appeal lies to the District Judge, and within *one month* after the said date in cases in which an appeal lies to the High Court.*

Duty of head of Department

110 A copy of the report shall be sent simultaneously to the head of the department, who, if he concurs in it, will merely file it, but if he differs from it, or considers it otherwise necessary to address Government on the subject of it, shall submit a separate report on it without delay to Government through the Legal Remembrancer

Legal Remembrancer to refer to Government

111 The Legal Remembrancer after calling for such further information, or additional papers, as he thinks necessary, shall communicate his opinion to Government as to whether an appeal should be made or not, or as to what other course should be pursued. This must be done in time to enable the orders of Government upon it to be acted upon, if necessary, within the period prescribed by law for filing an appeal

Procedure if an appeal is sanctioned.

112 If an appeal be sanctioned, the Collector, or other officer, will instruct the Government Pleader in the District Court, or in the High Court,† accordingly, at the same time sending him a *vakalatnama* (unless the Government Pleader already holds a general power-of-attorney from him), if the suit is against him personally. If the appeal has to be made to the District Judge, the Legal Remembrancer will return the copies received by him under Rule 108 to the Collector, or other officer, who shall make them over to the Government Pleader for his use in the appeal. If the appeal has to be made to the High Court,† the said copies shall be sent by the Legal Remembrancer direct to the Government Pleader in that Court, and it shall be the duty of the Collector, or other officer, in consultation with the District Government Pleader, to send to the Government Pleader in the High Court,† with the least practicable delay, copies of all the remaining material exhibits and other papers connected with the suit for his information and guidance.

*In Sind substitute, "Court of the Judicial Commissioner" for the words "High Court" in Rules 109, 112, 117, 121, 122, 123, 124, 126, 127, 128, 129 and 159

† *Vide* note to Rule 109.

113. Appeals are ordinarily to be based strictly on the grounds recommended by the Legal Remembrancer and concurred in by Government; but when an appeal is sanctioned generally against a decision, the Government Pleader is responsible for availing himself of all legitimate grounds on which the decree may be open to objection, notwithstanding that any of them may have escaped the notice of the Legal Remembrancer or not have been mentioned by him.

In important or intricate cases the memorandum of appeal should be submitted to the Legal Remembrancer for approval before being filed in Court.

114. If an appeal is brought by the opposite party against a decision either entirely or partly in favour of Government, a notice of the appeal will be served by the Court either on the Government Pleader or on the officer concerned. In the former case the Government Pleader shall at once obtain an *uncertified* copy of the memorandum of appeal, and forward it and the notice received by him (with the date of its receipt noted on the back) to the Collector or other officer concerned, or to the principal of the officers concerned. In the latter case the officer concerned shall at once send the Government Pleader a *rakalatnama* (unless the Government Pleader already holds a general power-of-attorney from him), and obtain from him an *uncertified* copy of the memorandum of appeal.

115. The Collector or other officer concerned shall then carefully compare the grounds of appeal with the Court's judgment, and after consultation, if necessary, with the District Government Pleader, report his opinion as to whether the appeal should be defended, and make any explanation or remarks that they may be needed with reference to the grounds of appeal. His report should be submitted to the head of his department and be accompanied by the same documents as are required to accompany a report under Rule 108.

116. The head of the department shall refer the report, with his own opinion, to the Legal Remembrancer, and the provisions of Rules 111 and 112 shall then apply, *mutatis mutandis*, to the said report and to the Legal Remembrancer with regard to his duty in respect thereof, and to the instruction of the Government Pleader, if the defence, of the appeal is sanctioned by Government.

Applicability of Rules 99, 100, 101 and 102 to appeals

117 The provisions of Rules 99, 100, 101 and 102 apply equally to the conduct of appeals as to the conduct of original suits except—

(1) that a discretion must be exercised by the Government Pleader in meeting new points raised for the first time in appeal, but that he should apply for an adjournment to enable him to consult with the officer concerned, or with the Legal Remembrancer, if necessary, on any such points in which he may not have been fully instructed, or to which he is not able to furnish an immediate reply,

(2) that it is only necessary to depute an officer to be present to assist the Government Pleader in the High Court when express orders are received from Government to that effect

Procedure when two or more officers are concerned in an appeal case

118 When two or more officers of different departments are concerned in a case in which an appeal is desired on behalf of Government, or in which an appeal is brought by the opposite party, the foregoing duties will devolve on the principal of such officers, subject, as far as may be, to the provisions of Rule 91

Applicability of Rules 104, 105 and 106 to decisions in appeals

119 When an appeal has been decided by a District Court, the provisions of the Rules 104, 105 and 106 shall be observed so far as they are applicable, just as in the case of the decision of an original suit

V—SECOND APPEALS

Procedure when an appeal has been decided adversely by a District Court

120 When an appeal from an original decree has been decided by a District Court, either wholly or in part, adversely to Government, the same course is to be pursued with respect to the bringing of a second appeal as in the case of an appeal from an original decree, provided that if the Legal Remembrancer is clearly of opinion that the case is one in which the law allows no second appeal, it shall not be necessary for him to refer it for the orders of Government, and the result of the first appeal need not be communicated to Government unless the head of the department, or the Legal Remembrancer, is of opinion, for special reasons, that it should be. If the head of the department communicates the result of an appeal to Government under this rule, he shall submit his report to Government through the Legal Remembrancer

* Vide note to Rule 109

121. When a second appeal is brought against an appellate decree either wholly or partly in favour of Government, the same course shall be pursued as when an appeal is brought in the High Court* against a similar original decree

Procedure when a second appeal is brought against an appellate decree in favour of Government

122 When an appeal, whether against an original or appellate decree, has been decided by the High Court,* the Government Pleader shall communicate the nature of the decision, as soon as it is pronounced, to the Legal Remembrancer, giving a brief statement of the grounds of the decision.

High Court's decision in an appeal how to be reported

He shall at once obtain an uncertified copy of the Court's written judgment, if any, and forward the same as soon as it is ready to the Legal Remembrancer. He shall also obtain, with as little delay as possible, two certified copies of the same and of the decree, and forward one to the Legal Remembrancer, and the other, with the papers in the case, to the Collector or other officer concerned. The Collector, or other officer, shall inform the head of his department of the result of the case, sending him a copy of the written judgment, if any, or not, as he deems necessary.

The Legal Remembrancer shall communicate the result of the appeal to Government, submitting a copy of the written judgment also, if any have been recorded. The result of any such appeal need not be communicated to Government by the head of the department unless the decision appears to him to be specially inconvenient, or to affect the administration in some unusual manner, in which case he shall forward his report to Government through the Legal Remembrancer.

533. A Government servant charged with a criminal offence where the charge is the consequence of official action who considers it necessary to obtain legal assistance for his defence must, if he proposes to seek reimbursement from Government, immediately refer to his official superior the question whether the case is one in which it is necessary to engage such assistance.

Legal assistance to Government servants charged with criminal offences in regard to their official duties.

* *Vide* note to Rule 109.

Officers, not of lower rank than Heads of Districts, are empowered to sanction the employment of counsel, without reference to higher authority, in cases in which (1) the counsel engaged is either (a) the District Public Prosecutor or an Assistant Public Prosecutor, provided he can properly appear under the provisions of No 53 of the Law Officers' Rules, or (b) when the services of the District Public Prosecutor or of an Assistant Public Prosecutor are not available, any other duly qualified pleader, and (2) the fees proposed to be paid do not exceed the fees admissible under rule 42 or rule 44 of the Law Officers' Rules. All bills should be preferred to the Remembrancer of Legal Affairs for countersignature.

In cases in the mofussil where it is proposed to retain special counsel the official superior of the Government servant concerned should proceed in accordance with rule 28 of the Law Officers' Rules in communication with the Remembrancer of Legal Affairs.

All applications for the reimbursement of legal charges must reach Government or the Remembrancer of Legal Affairs within three months of the conclusion of the proceedings. The applications will then be disposed of in accordance with the rules for the conduct of the legal affairs of Government.

(Government Circular. General Department, No. 5745, dated 23rd September 1907)

* 28 Government Pleaders or local officers, who desire to engage special counsel for any case, should communicate with the Legal Remembrancer before doing so, informing him, in criminal cases of the nature of the case and of the evidence to be brought forward and stating in every case, when and where the hearing or trial will take place, how long it is likely to last, and what pleader or other counsel they wish to employ, and at what rate they propose to remunerate him. If there is not time for this communication to be made before the date fixed, or likely to be fixed, for the hearing or trial of the case, the Court or Magistrate should be asked to adjourn it, or to fix the date in the first instance at a sufficient distance of time, to enable the officer concerned to obtain sanction for the employment of special counsel. The Legal Remembrancer, if he thinks the case a fit one for the employment of a special counsel, will submit the application for the orders of Government, but in emergent cases may act in anticipation of such orders.

Note—For rule regarding the employment of special counsel in forest cases see article 195.

PART VII.

Schedule of Powers.

CHAPTER XL.

POWERS OF FOREST OFFICERS.

-1. POWERS EXERCISED BY THE CHIEF CONSERVATOR OF FORESTS.

Serial No.	Name of Manual or Code.	Article	Nature of power.	Limitations and restrictions, if any.	Authority
1	Forest Manual, Vol. I.	Art. 6	To distribute between circles and to transfer from one circle to another appointments in the permanent subordinate forest service and clerical establishments	.	Government Order, Revenue Department No 5342 of 31st May 1919
2		Art 4 & App. I.	To sanction the formation and re distribution of ranges	Provided that no increase of subordinate forest establishment is involved.	Do.
3		App I	To appoint, promote, reduce or dismiss Forest Rangers	...	Do.
4		" I	To select and nominate candidates to the Dharwar Forest College	.	Do
5		Art. 21	To post Extra Assistant Conservators and Rangers to a charge in any circle and to transfer Extra Assistant Conservators officers of the Subordinate Forest Service and clerks of the Rs 100 grade and above from one circle to another.	Transfer of Extra Assistant Conservators to be reported to Government and to Private Secretary to the Governor.	Do.

Serial No	Name of Manual or Code	Article	Nature of power	Limitations and conditions, if any	Authority.
6	Forest Manual, Vol I	Art 28	To grant permission to Forest officers to visit Research Institute, Dehra Dun, when the period of absence does not exceed 15 days		
7	"	" 34	To sanction change of names in the case of non-gazetted officers.	Intimation should be sent to the Accountant General	Government Resolution, Financial Department, No 2336 of 12th July 1882
8	"	" 47	To prescribe Control Books and Forest Journals for unorganized forests		
9	"	" 48	To prescribe form of Plantation Journals		
10	"	" 66	To prescribe form for the return of live stock and time of submission thereof		
11	"	" 91	To sanction the writing off of irrecoverable revenue up to Rs 1,000 in each case.		Government Order, Revenue Department No 3542 of 31st May 1919
12	"	" 93	To write off stores, tools and plant, live stock, timber and other stock of value not exceeding Rs 5,000		Do
13	"	" 95	To refund revenue not exceeding Rs 3,000 in each case.		Do
14	"	" 96	To sanction recurring expenditure of the nature of rent for house, or land up to Rs 100 in each case	The amount for each circle should be limited to Rs 500	Do.

15	"	96	To sanction house rent for ordinary office accommodation—	Government Resolution, Financial Department, No 2075 of 8th May 1908
16	"	97	(1) when provided in a separate building, Rs 100 a month, (2) when provided in a building partly used as a private residence, one half the total rent subject to a maximum of Rs 15 a month To sanction expenditure on pleader's fees up to Rs 500 in each case in the prosecution of criminal offences.	Government Order, Revenue Department, No 3512 of 31st May 1919
17	"	101	To sanction the following items of "Capital expenditure"— (a) Purchase of elephants Rs. 1,000 (b) Purchase of live-stock other than elephants, stores, tools and plant including office and rest house furniture and tents Rs. 1,000 (c) Other items (vide Art 99) Rs. 5,000 To write off irrecoverable advances if the amount does not exceed Rs 250 in each case To inspect Conservators' offices and receive and deal with inspection reports of Divisional Officers	Do.
18	"	107		Do.
19	"	173		Do.
20	Forest Manual Vol II.	237	To sanction deviations from sanctioned working plans not amounting to an alteration of the prescribed scheme of management	Do.
21	"	185	To deal finally with scheduled Forest Forms	Do.
22	"	....	To send ordinary inland telegrams marked 'Priority' in service instructions	Government Order, Financial Department, No 3810 of 11th June 1919.

Serial No	Name of Manual or Code	Article.	Nature of power	Limitations and restrictions, if any.	Authority.
23	Forest Manual, Vol II	Art 52 ⁿ	To accord administrative approval to estimates, of capital expenditure on minor works for the Forest Department carried out by Public Works Agency and to allot funds for the same	.	Government Order Revenue Department, No 10473 of 7th October 1919
24	Civil Service Regulations, 5th edition, second reprint	" 51	To admit into superior pensionable service persons, whose age exceeds 25 years	.	As head of Department— <i>vide</i> Appendix I-A to Civil Service Regulations
25	"	" 53	To permit transfer of charge of an office elsewhere than at head-quarters and to receive charge by letter or telegram for special recorded reasons of a public nature	In case of transfers ordered by him.	Government Resolution, Financial Department, No 5324 of 30th August 1919.
26	"	" 55	To hire or change the head quarters of officers appointed by a higher authority	.	
27	"	" 57	To permit officers to go on duty beyond limits of jurisdiction	.	
28	"	" 58	To allow any officer subordinate to him to proceed on duty to any part of the territories of the Local Government or to a District or Foreign State or Settlement adjoining his jurisdiction and to draw travelling allowance under rule	.	
29	"	" 72	To grant to an officer an honorarium up to Rs 250 from General Revenue or permit him to receive the same from a Local Fund or from the revenues of a Native State for work which he is required to perform either within or outside the course of his ordinary duties or when he spontaneously undertakes a work of utility to Government outside the course of his duties, provided such work is of exceptional merit or of an arduous or peculiar nature.	.	

30	"	..	74	..	To permit an officer to accept a fee up to Rs. 500 from a private person or private body or a public body whose funds are not administered by Government, or from a Native State, for work voluntarily done for it To suspend the lien on the appointment of an officer on deputation if it is likely to last for more than three years.	Subject to the conditions given in the Article.	Government Resolution, No. 5324 of 30th August 1919 and erratum No. 8600 of 22nd December 1919
31	"	..	89	..		In respect of appointments made by him	
32	"	..	95	..	To assign to an officer appointed to be in charge of the current duties of an office independently, i.e., under orders which expressly relieve him of the charge of his own office, a charge allowance of less than three quarters which is admissible under Article 94 or, for special recorded reasons, the full acting allowance which would be admissible to him if he were appointed to officiate in the office.	Clauses (1) and (2) of Article 105 shall not apply to such an officer.	Government Resolution, No. 5324 of 30th August 1919.
33	"	..	146	..	To grant an officer without a substantive appointment on a permanent establishment, officiating in an appointment the pay of which is not less than Rs. 100, an acting allowance up to an amount not exceeding the full pay of the appointment	A report of the circumstances of each case should be forwarded by the end of February each year through the Audit Officer to the Government of India in an amalgamated Schedule.	Do.
34	"	..	147 (iii)	..	To grant, when necessary, to an officer without a substantive appointment who officiates in an appointment the pay of which is less than Rs. 100, a month's allowances in excess of half the pay of the appointment without reducing <i>pro tanto</i> the leave allowances of the absentee.	Certificate should be given in the bill as shown in Article 144, Supplement.	Article 144, Supplement to the Civil Service Regulations.

Serial No	Name of Manual or Code	Article	Nature of power	Limitations and restrictions, if any	Authority
35	Civil Service Regulations, 5th edition, second Reprint	Article 160	To declare, in directing the re-employment of an officer suspended, that the time passed under suspension shall count towards increments	...	
36	"	" 105	To grant an officer appointed to be in charge of the current duties of an office in addition to his own duties, a charge allowance not exceeding one tenth of the pay of the office	If the charge entails a substantial increase of responsibility and some additional work	Government Resolution, Financial Department, No 5321, of 30th August 1910
37	"	" 169	To grant an officer placed in charge of the current duties of an office any Duty or Local allowance attached to the office	Do	Do
38	"	" 102	To appoint one officer to hold substantively, as a temporary measure or to officiate in two or more independent appointments at one time	In such cases the emoluments will be regulated as laid down in clauses (i), (ii) and (iii) of Article 168	Do
39	"	" 180 (b)	To extend joining time within the maximum of 30 days in the case of officers of the Provincial Service and non-gazetted subordinates	Subject to the conditions in Article 180 (b)	
40	"	" 188 (and 209-A, Supplement)	To allow an officer without a substantive appointment who, when officiating in an office, is transferred to another office, to draw during his transit the allowance which he drew in his old office or that which he will draw in his new office which ever is less	In the case of transfers ordered by him	
41	"	" 188	To allow transit pay to a temporary employee transferred in the interests of the public service retaining a lien on his temporary appointment	Do.	Article 209, Supplement to Civil Service Regulations

42	"	189	To exempt an officer exceeding his joining time from the loss of his appointment	In the case of appointments made by him	
43	"	193 (a)	To grant a subsistence allowance to an officer under suspension at a rate not exceeding one quarter of his salary	Provided no extra cost is imposed on the State or, when it is incurred by special order in cases of suspension or dismissal of six months or less, it does not exceed Rs 300	
44	"	197 (b)	To grant to an officer re-instated by him after dismissal or suspension for the period of his absence from duty the whole or part of his salary and allowances.	Do	...
45	"	200	To permit non-gazetted officers appointed by him when on leave, to take service or accept any employment involving the receipt of a fee or honorarium	.	...
46	"	207 (a) & (b)	To permit an officer who is discharged on reduction of establishment or resigns the service and is re-employed after an interval, or an officer who is re-instated by him after dismissal or removal from the service, to count his former service towards leave.	.	.
47	"	227 (a)	To permit an officer, who was granted leave by him, to return to duty more than 14 days before the end of long leave	.	.
48	"	227	To require an officer, to whom leave was granted by him on account of ill-health on medical certificate, or otherwise, to produce a medical certificate of fitness, before permission is granted to return to duty.	...	.
49	"	240	To exempt officers over-riding their leave from loss of appointment, when the default is due to circumstances beyond their control.	In cases in which leave is granted by him	Appendix 3 of Supplement

Serial No.	Name of Manual or Code.	Article.	Nature of power	Limitations and restrictions, if any	Authority.
50	Civil Service Regulations, 36th edition, second Reprint	Article 232	To change retrospectively leave granted to an officer for any other kind or period of leave for which the officer was qualified when the original leave was granted, and to commute retrospectively periods of absence without leave into leave without allowances (see Serial No 58).	In cases in which he has power to grant leave	Appendix 3 of Supplement.
51	"	233 & 234	To condone for the purpose of privilege leave interruptions of duty caused by an officer remaining absent after the end of privilege leave, examination leave or joining time, owing to circumstances beyond his control	Do	
52	"	" 238	To decide in the case of an officer suspended while their suspension interrupts duty and whether time passed under suspension qualifies for privilege leave	In the case of suspensions about which he can pass final orders	
53	"	261	To decide the admissibility of privilege leave allowances in the case of an officer who obtains privilege leave after recording a declaration that he has no intention of retiring for three months after return to duty, but is compelled to retire on the expiry of the privilege leave owing to circumstances beyond his control (Read Serial No 53)	In the case of those officers whose pension or gratuity can be sanctioned by him	Cancelled.
54	"	315	See Serial No 74		
55	"	315 & Supplement 347	To permit an officer for sufficient reasons to retire at the end of the leave granted to him after attaining the age of 55 years (Read Serial No 75.)	Provided that in the case of officers permitted to retire at the end of privilege leave, the privilege leave allowances drawn by them are not allowed to be retained	

56	"	..	To decide, by an express order at the time of reinstating an officer who has been suspended whether the period passed under suspension counts for pension.	417	..	In cases in which he can sanction pension
57	"	..	To declare, in cases in which on revision or appeal he reverses an order dismissing an officer, that the officer's past service counts for pension	419	..	In the case of officers appointed by him
58	"	..	To commute retrospectively periods of absence without leave into leave without allowance, for purposes of pension (See serial No 50)	421	..	In cases in which he can sanction pension.
59	"	..	To condone interruptions in the service of an officer for the purposes of pension	422	..	Do
60	"	..	To condone a deficiency of three months in the qualifying service of an officer.	423	..	Do.
61	"	..	To accept a medical certificate of incapacity given by a single Commissioned Medical Officer or Medical Officer in Charge of a Civil Station	442	..	Do
62	"	..	To decide what reduction should be made in the pension of an officer whose incapacity has been accelerated or aggravated by irregular or intemperate habits.	454	..	Do
63	"	..	To allow the service after the date of the medical certificate of an officer retained in active service for special reasons pending a decision on his application for pension to count towards pension	455	..	Do
64	"	..	To retain an inferior servant in employment after the date of his medical certificate of incapacity till his pension is sanctioned, if he is fit for light work	456	..	Provided his place is not filled up till he retires and his service counts only to the date of his Medical certificate
65	"	..	To grant extensions of service to officers after the age of 55	459	..	In the case of appointments which he can fill if vacant

Serial No.	Name of Manual or Code	Article	Nature of power	Limitations and restrictions, if any	Authority
66	Civil Service Regulations, 3th edition second Reprint	Article 170(b)	To sanction reduction of pension in case of misconduct	and provided no officer is retained in service after attaining the age of 50, without Government sanction Such reduction should depend on record of service alone and not on mere sus- picious charges of misconduct or in- efficiency for which there is no definite record. The power should be exercised only in those cases wherein the ser- vice has been marked with dis- honesty or other serious offence such as gross insubordi- nation to the orders of superior officers or wilful or persistent neglect of duty. In the case of appointments in superior service for which he can sanction pension.	G R F. D No 5124 of 30th August 1910
67		"	To sanction gratuity calculated on average emolu- ments instead of on emoluments in the case of officers who have been reduced during the last three years of their service otherwise than as a penalty.		

68	"	182	To sanction gratuity or pension, calculated on the average of his pay during the last three years of his service instead of on the monthly pay, to an inferior servant who has been reduced during the last three years of his service otherwise than as a penalty.	In respect of appointments made by him.	Government Order, Financial Department, No. 3531 of 13th September 1918
69	"	320	Power of the Local Government under the Article to re-employ pensioners		
70	"	521	To determine, in the case of a pensioner re-employed under the last entry, whether his pension should be held wholly or partly in abeyance, provided full pension in addition to the full pay of the post shall not be allowed to be drawn except when re-employment is for bona-fide temporary duty lasting for not more than a year or the pension does not exceed Rs. 10 a month.		
71	"	763	To sanction transfers of non-gazetted officers to foreign service		Government Resolution, Financial Department, No. 5324 of 30th August 1919
72	"	764	To fix pay and allowances of non-gazetted officers transferred to foreign service and to grant promotions in Government service.	Before sanctioning any initial increase of pay on transfer or any subsequent increase during foreign service, the Accountant General should be consulted regarding the admissibility of the increase (Government Resolution, Financial Department, No. 1591 of 7th April 1913).	

Serial No	Name of Manual or Code.	Article	Nature of power	Limitations and restrictions, if any.	Authority
73	Civil Service Regulations 5th Edition, Second Reprint	Article 780 (b)	To grant leave other than privilege leave taken by itself to officers transferred to foreign service		Government Resolution. Financial Department, No 5924 of 30th August 1919. Article 557 of Supplement
74	"	" 819	To correct errors in the service book of an officer, which are obviously clerical (Note—An entry of age or date of birth alleged to be incorrect cannot be altered unless it is due to want of care on the part of some person other than the individual in question, or it is an obvious clerical error)	Cases in which the errors are other than clerical should be referred to Government	
75	"	" 826	To allow an officer to retire from service within 3 months of his return to duty from privilege leave provided there has not been any deliberate or intentional evasion of the rules (Read Serial Nos 53 and 57).	Subject to the orders in Government Resolutions, Financial Department. No 1121 of 28th December 1912 and 1577 of 16th April 1913, which direct that, where administrative inconvenience results, privilege leave either by itself or combined with other leave should not be granted to an officer unless he certifies that he intends to return to duty for not less than a year.	

76	..	813	..	To accept, in cases of applications for leave from non-gazetted officers in superior service, medical certificates without the countersignature of a Presidency Surgeon or the officer in chief medical charge of a district	Provided certificates from medical men who do not possess a degree registrable in the United Kingdom or a degree in Medicine of the University of Bombay, Calcutta, Madras or Lahore, or who have not been registered under the Bombay Medical Act, are not accepted without countersignature. (Government Resolutions, General Department, Nos 3843 of 16th August 1910 and 3850 of 8th May 1915.)	Government Order, Revenue Department, No 5543 of 31st May 1910.
77	..	811 (b)	..	To grant leave of all kinds to non-gazetted officers who are appointed by him.		
78	..	811 (c) []	..	To grant leave of all kinds to Extra Assistant Conservators of Forests when not in charge of divisions, and privilege leave upto three months to Divisional Forest Officers in cases where no substitute is required or where the Chief Conservator is able of his own authority to appoint a substitute without reference to Government		
79	..	908 (e) (N into 1)	..	To admit service verified otherwise than from the records of the Audit Officer or from office records in cases in which he is empowered to sanction pension		
80	..	911 (c)	..	To accept a medical certificate bearing a date later than that of the application for invalid pension.	In cases, in which he can sanction pension	

Serial No	Name of Manual or Code	Article	Nature of power	Limitations and restrictions, if any	Authority
81	Civil Service Regulations, 5th edition, second Reprint	Art 918 (b)	To sanction pension to non gazetted officers whose appointments he can fill		Art 606-A and Appendix 18 of Supplement
82	"	" 930	To allow pension to be drawn from the date of retirement instead of from the date of the application, when this is later, provided the delay is sufficiently explained	In cases in which he can sanction pension	
83	"	" 996 (b)	To declare which shall be regarded as the shortest of two or more routes	In respect of journeys within his jurisdiction performed by officers under his control	
84	"	" 997	To permit, for special recorded reasons, travelling allowance to be calculated by a route other than the shortest or cheapest, provided the journey is actually performed by such route	Do	
85	"	" 1001	Power of the Local Government to sanction charges under Art 1000 for camp equipment, horses, etc		Government Order No 5542 of 31st May 1919
86	"	" 1016	To direct that any officer whose pay does not exceed Rs 30 shall be allowed accommodation by the lowest class instead of by the middle class when travelling by train		
87	"	" 1020	To decide what class of accommodation any particular officer should be allowed when travelling by sea in cases of doubt	In respect of non-gazetted subordinates	
88	"	" 1056	To allow a subordinate to draw daily allowance for more than ten days of a leave at one place up to a limit of 30 days, provided the conditions in clauses (a) and (b) of the article are fulfilled		Art 730 of Supplement.

89	"	1061	To sanction cumulative allowances to officers serving under him.	..	Art. 745 of Supplement.
89A	"	1083	To grant travelling allowance to non-gazetted subordinates, whether permanent or temporary, for the journey to join a first appointment	..	Government Resolution, Financial Department, No 5321 of 30th August 1919
90	"	1084	To grant travelling allowance to pensioners re-employed by him for a journey to take up the new office on re-appointment (vide Serial No 69)	..	
91	"	1097 (b)	To sanction passage money for the members of the family of an officer of the 2nd or 3rd class on pay less than Rs 200 who are prevented by good and sufficient cause from travelling with him, provided such members follow him within 6 months of his transfer or precede him by a period not exceeding one month	In cases of journeys on transfer ordered by him.	
92	"	1100	To permit by special order an officer transferred for misconduct to draw travelling allowance.	Do	
93	"	1114	To refuse travelling allowance to an officer who visits a hill station on duty if he prolongs his visit beyond the period required for the performance of the duty.		
94	"	1117	To disallow travelling allowance to an officer for journey to attend an obligatory departmental examination if he appears to have culpably neglected the duty of preparing himself for it during the period available for the purpose		
95	"	1127	To grant travelling allowance to an officer compulsorily recalled to duty before the expiry of leave even when the period of leave curtailed is less than one month		
96	"	1133	To grant actual expenses of his journey, not exceeding the travelling allowance admissible under rule to an officer voluntarily applying for an invalid pension who is required to leave his station to appear before a Medical Board.		

Serial No	Name of Manual or Code	Article	Nature of power	Limitations and restrictions, if any	Authority
97	Civil Service Regulations, 3th edition, second Reprint	Art 1159	To counter sign travelling allowance bills of officers serving under him	...	Appendix 10 of Supplement
98	"	" 1161	To disallow the whole or a portion of the travelling allowance claimable for any journey or halt if he considers that the journey was unnecessary or that it was not completed with due expedition, or that the halt was of excessive duration	Enquiry into the rights and title of the claimant must be made before payment, and in case of doubt payment should be made only to the person producing legal authority	Government Resolution, Financial Department, No 5321 of 30th August 1919.
99	Civil Account Code, Vol I	" 27 (b)	Power to make payment of salary and other allowances not exceeding Rs 500 claimed by the heirs of a deceased officer, without the production of the usual legal authority		
100	"	" 57	To transfer temporary establishments (such as surveyors, depot officers and clerks) from one office to another.		
101	"	" 61	Power to make an extra appointment in a lower grade to cover a vacancy in a higher grade.	The numerical strength of the office must not be increased	
102	"	" 80 (t)	To sanction supply of books of telegram forms for official use, from the Superintendent, Government Printing, Calcutta, free of charge		

103	" 145 (a)-I	To sanction house building advances to Government servants, not exceeding 12 months' salary of the officer to whom it is made		Subject to conditions (c) to (e) of the Article, the maximum limit of pay fixed for the purpose of clause (b) being Rs. 50, subject to any special order that may be passed when sanctioning the temporary establishment	Government Resolution, Financial Department, No 3049 of 20th September 1910.
104	" 283-A	Power to vary details of temporary establishments.			
105	" Ap. BBBB. Cl (a).	Power to make small monthly payments out of contingent grants to manuals for supplying drinking water or for dusting offices		Subject to the conditions in note 1 of clause (c) of Ap BBBB and to the existence of budget provision. Annual statements of payments should be submitted to Government.	Government Resolution, Financial Department, No 2363 of 12th July 1910.
106	" Cl (c)	To sanction section-writing and copying charges at piece-work rates.		Each sanction accorded shall specify the number of men, the number of words to be copied per rupee and the rate for tabular work.	Government Resolution, Financial Department, No 87 of 7th January 1909

Serial No.	Name of Manual or Code.	Article	Nature of power	Limitations and restrictions, if any.	Authority.
107	Civil Account Code, Vol. I	Ap. BBBB, cl (k)	To purchase iron safes manufactured in India	Provided that the cost of each does not exceed Rs. 300 and can be met from this contingent grant.	Government Resolution, General Department, No 7163 of 12th December 1907.
108	"	" (k) R 13	To purchase in the local market any one article of European manufacture or any number of similar articles at one time, not exceeding Rs 250 in value, except such articles as should under the rules in Appendix BBBB be obtained from the Stationery Office	Subject to the conditions in Rules 3 (a) and 5 of clause (k) of Appendix BBBB.	Government Resolution, General Department, No. 254 of 15th January 1909
109	"	" cl. (m). exception (c)	Power to incur recurring contingent charges up to Rs 10 a month and to six months' duration.	Provided there is budget provision.	Government Resolution, Financial Department, No 2075 of 8th May 1908
110	"	" cl (j) ..	To sanction the supply of clothing to peons on temporary establishments	Subject to the conditions (i) that the supply is on the same scale as that allowed to permanent peons of officers of similar status and (ii) that the posts of temporary peons are likely to last for the period clothing	Government Resolution, Financial Department, No 6324 of 30th August 1919

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Add the following entry after serial No. 112-A.—

Serial No.	Name of Code or Manual.	Article	Nature of power.	Limitations and restrictions, if any	Authority
112-B	Bombay Public Works Department Manual (First Edition)	712	To sanction dismantling of forest buildings in each case up to a limit of Rs. 2,000.	Provided that the building is not required for any public purpose and that a report is submitted to Government stating the classification and cost of the building and the reasons for dismantlement. The powers should not be exercised so as to dismantle a portion only of a building and no building should be demolished unless it is in a dangerous condition or past repair	G. R., E. D.; No. 3135/28 dated 9th October 1929

111	"	"	" cl (v)	To obtain typewriters and duplicators from the Stationery Office	is expected to last or that, if the posts are not to last for this period, arrangements will be made to use the clothing, at the termination of the temporary duty, for the peons so as to cover the prescribed period.	Government Resolution, Financial Department, No. 6321 of 20th August 1910.
112	"	Vol. II.	" S+1 (b)	To remit leave allowances irregularly drawn before retirement by applicants for pension and challenged by the Account Officer, up to a limit of three months.	Remission of such allowances for more than three months can be sanctioned by Commissioners to whom the power has been delegated without restriction	Government Resolution, Financial Department, No. 684 of 23rd February 1910
112A	General Provi- dent Fund Rules	General Provi- dent Fund	Rule 20 (1) (c)	To sanction advances not exceeding 3 months' pay from the General Provident Fund to gazetted forest officers.	Power to be exercised in accordance with the spirit of the rules, and doubtful cases to be referred to Government	Government Order, Revenue Department, No. 741 of 3rd March 1920.

2. POWERS EXERCISED BY CONSERVATORS AND DEPUTY CONSERVATORS OF FORESTS IN CHARGE OF CIRCLES

Notes.—A Deputy Conservator of Forests in charge of a circle shall exercise all the powers delegated to 'Conservators' (Government Resolution No 6397 of 10th July 1906)

(a) General.

Serial No	Name of Manual or Code	Article	Nature of power	Limitations, and restrictions, if any	Authority
113	Forest Manual, Vol I.	6	To transfer appointments in the Subordinate Forest Service between Divisions and appointments in the clerical establishments between Divisional and District officers		Government Resolution, Revenue Department, No 10847 of 29th November 1912
114	"	b	To sanction temporary establishment.	Within the limit of the annual budget allotment for such establishments and within the maximum rates of pay given in Appendix II of Manual, Vol I	Government Resolution, Revenue Department, No 2045 of 14th March 1904
115	"	21	To transfer Extra Assistant Conservators and permanent Protective and Clerical establishments within a circle		
116	"	34	To sanction change of names in the case of non gazetted officers.	Intimation should be sent to the Accountant General	Government Resolution, Financial Department, No 2336 of 13th July 1882

[illegible]

Serial No	Name of Manual or Code	Article	Nature of power	Limitations and restrictions, if any	Authority
123	Forest Manual, Vol I	93	To write off stores, tools and plant, live-stock, timber or other stock of value not exceeding Rs. 1,000	possibly call for disciplinary action requiring the orders of higher authority	Government Resolution, Financial Department, No 2076 of 8th May 1908
124	"	94	To authorise forest officers of and above the rank of Ranger, in exceptional cases, to effect sales of forest produce, live-stock, stores, tools and plant without payment in full at the time of delivery		
125	"	95	To refund revenue not exceeding Rs 1 000 in each case		
126	"	96	To sanction recurring expenditure of the nature of rent for houses or land up to Rs 50 in each case		
127	"	96	To sanction house-rent for office accommodation		
128	"	97	Same as serial No 15 To sanction expenditure on pleaders' fees up to Rs 250 in each case in the prosecution of criminal offences		
129	"	100	To sanction items of "revenue expenditure" within budget allotments		
130	"	101	To sanction the following items of "capital expenditure" — (a) Purchase of live-stock (excepting elephants), stores, tools and plant, including office and rest house furniture and tents, Rs 1,000 each (b) Other items (vide article 90), Rs 2,000 each		

131	"	106 (a) (i) ..	To authorise an advance to the extent of one month's pay to any non-gazetted officer on the permanent establishment who can show sufficient reasons for requiring it.	Advances for domestic or religious ceremonies are not to be granted to be granted (Government Resolution, No. 8226 of 23rd August 1910).
132	"	106 (a) (iii) .	To authorise an advance of one month's pay or of an amount not exceeding the travelling allowance (when this exceeds one month's pay) to any officer on the permanent or temporary establishment in cases of transfer.	
133	"	106 (a) (v) .	To sanction advances sufficient to cover travelling allowances for one month to themselves and to officers and subordinates in cases of emergency when proceeding on tour to a considerable distance from headquarters.	Subject to adjustment in full on the next issue of pay or travelling allowance.
134	"	106 (b) (i) ..	To grant advances not exceeding 2 months' pay to non-gazetted officers for the purchase of conveyances.	Advance may be given once only and only when duties involve touring (Government Resolution, Financial Department, No. 610 of 5th February 1906.
135	"	107	To write off irrecoverable advances if the amount does not exceed Rs 250 in each case	
136	"	134	To authorise the Accountant General to investigate claims to arrears of pay, etc., older than a year.	Government Resolution, Financial Department, No. 901 of 13th March 1911.
137	"	137	To countersign travelling allowance bills of forest officers serving under the him.	
138	"	Ap. XXI	To sanction payment of remuneration to village officers on gross forest revenue collected and paid into the treasury direct	Government Resolution No. 3239 of 7th April 1913.

Serial No	Name of Manual or Code	Article.	Name of Act	Section or Rule.	Nature of Power	Limitations and restrictions, if any.	Authority
140	Forest Manual Vol II	Art 85 (a)	Indian Forest Act (VII of 1878)	S 16	To appeal from orders passed by the Forest Settlement Officer under Sections 10, 11, 14 or 15 of the Act		Government Resolution No 21 of 6th January 1903
140	"	"	"	S 18	To employ District Government pleaders generally for the purposes of appeals presented under S 16		Government Resolution No 1018 of 4th February 1881
141	"	"	"	S 21	To stop any public or private way or water course in a reserved forest with the previous sanction of the duly authorised officer (vide serial No 312)		Government Resolution No 21 of 6th January 1903
142	"	"	"	S. 25c	To notify seasons when fire may be kindled, kept or carried in a reserved forest		Do
143	"	"	"	S 33	To permit an act in protected forests		Do
144	"	"	"	Ss 36 & 37	To manage forest or waste land not the property of Government the control of which has been assumed by Government		Do
145	"	"	"	S 38	To manage lands to which the provisions of the Forest Act have been applied by Government at request of owners		Do
146	"	"	"	S 47	To enquire into and decide the claims to drift timber		Do
147	"	"	"	S 50	To recover sums due under the rules made under S. 51 on account of drift timber		Do.

118	"	"	S. 60	To direct at any time the immediate release of any property seized under S. 52	Government Resolution No. 21 of 8th January 1903.
119	"	"	S. 82	To take possession of any forest produce for which any money is payable to Government until such amount has been paid.	Government Resolution No. 360 of 15th October 1910.
120	"	114	"	To remit grazing fees in cases where villagers have assisted the Forest Department in fire protection and to reduce the fees in villages where cattle trespass has diminished.	Government Resolution No. 2537 of 24th March 1896
121	"	115	"	To sanction the grant of rewards up to Rs. 20 in the case of each fire to village officers and other persons, not being the servants of the Forest Department, who assist in extinguishing forest fires or furnish information leading to the detection of the cause of forest fires.	Government Resolution No. 3627 of 18th August 1903 as amended by Government Notifications Nos. 11185 of 6th December 1912 and 1177 of 17th April 1916
122	"	121	S. 25(a), S. 31(6), R. 1 (c) (iii)	For Presidency including Kanara Belgaum, Dharwar and Sind. (c) To permit in reserved or protected forests the poisoning, etc., of rivers or other water, the setting of spring guns, snares or traps, or the gaming of animals other than carnivora, bear or pig or of any bird or animal for which a close time is prescribed.	Government Resolution No. 3627 of 18th August 1903 as amended by Government Notifications Nos. 11185 of 6th December 1912 and 1177 of 17th April 1916
	"	"	R. 3(a)...	(ii) To issue licenses for hunting and shooting in a reserved or protected forest	Licenses shall not be refused except for special persons to be stated in writing.

Serial No	Name of Manual or Code	Article	Name of Act	Section or Rule.	Nature of Power	Limitation and restrictions, if any	Authority.
172	Forest Manual Vol II	121	Indian Forest Act (VII of 1878)	R 3 (e).	(iii) To name the species of animals not more than two males of which a licensee may hunt or shoot.	..	
	"	"	"	R 8	(iv) To close to shooting any forest for a term of years or annually for a specified season and to prohibit shooting of any particular species of animal in any special tract of forest	Subject to revision by the Commissioner.	
					2.—FOR KANARA, BELGAUM AND DHARWAR		
173	"	123	"	R 1 (c) (iii)	(i) To notify animals which may not be taken, wounded or killed		Government Notification No 4177 of 17th April 1916
		"	"	R 4	(ii) Same as serial No 132 (i).		
		"	"	R 7	(iii) To determine which of the shooting blocks in each division should be absolutely closed to hunting and shooting		
		"	"		(iv) To prohibit driving or beating the forest with men or dogs in any specified block for any animals other than carnivora, bear and pig and to prohibit the employment for tracking, stalking, tying up for carnivora or conducting drives or beats of any persons other than those to whom permits to act as 'shukars' have been given		
		"	"	R 8 (b)	(v) To determine the number of game of each species which may be killed by any individual during the year in any forests of the circle		

154	"	"	R. 13	(i) To limit the number of retainers and of dogs that may be taken into the forest.	Government Resolution, No. 9717 of 12th October 1900.
"	"	"	R. 23	(ii) To prohibit fishing and netting in any specified lengths of any river.	
"	"	"	"	(iii) To regulate by notification in each forest division concerned the size of mesh that may be employed in netting rivers for the capture of fish.	
127	"	"	"	(iv) To utilise the revenue derived from shooting licenses for giving rewards to informers of offences under the game rules.	
				3—FOR SIND.	
124	"	"	R. 1 (c) (iii)	(i) To notify insectivorous or gay plumaged birds which may not be taken, wounded or killed in any reserved and protected forest.	Government Notification, No. 5296 of 12th May 1915 as amended by Government Notification, No. 9933 of 16th October 1916.
"	"	"	"	(ii) Same as serial No 152 (i)	
"	"	"	R. 2 (c) (iii)	(iii) Same as serial No 152 (ii)	
"	"	"	R. 2 (c) (iv)	(iv) Same as serial No 152 (iii)	
"	"	"	R. 7	(v) Same as serial No 152 (v)	
				1—FOR PRESIDENCY PROVINCE	
159	"	"	S. 41	(i) To specify routes for the transit of timber, or other forest produce.	Government Notification, No. 4133 of 9th August 1880, as amended subsequently.
"	"	"	R. 2		
"	"	"	R. 3	(ii) To issue or to empower some officer to, issue passes for the transit of timber or other forest produce.	
"	"	"	R. 7	(iii) To prescribe or authorise any officer to prescribe routes for importing foreign timber or other forest produce.	
155	"	"	"		

Serial No	Name of Manual or Code.	Article	Name of Act	Section or Rule	Nature of Power	Limitation and restrictions, if any	Authority
155	Forest Manual, Vol II	123	Indian Forest Act (VII of 1878)	R 8	(iv) To prescribe transit marks to be stamped on foreign timber of large scantling imported under rule 7 before it is moved beyond the first depot established under rule 15		
	"	"	"	R 10	(v) To reduce or remit the additional fee of 50 per cent chargeable for moving beyond the district timber or other forest produce taken from protected forests of Kanara under a privilege		
	"	"	"	R 13 (a) & (b)	(vi) To authorize an owner of timber or other forest produce or the agent of any such owner to issue passes under rule 3 in respect of the timber or other forest produce which belongs to him and to cancel such authorization		
	"	"	"	R 13, cl 2	(vi) To fix the sum payable for passes		
	"	"	"	R 14	(viii) To stop and examine timber or other forest produce in transit, when there is reasonable ground for suspecting that any forest offence has been committed in respect thereof		
	"	"	"	R 15	(i) To establish depôts at convenient places on the routes by which timber or other forest produce may be lawfully conveyed		
	"	"	"	R 16	(c) To notify the fees payable for storing or depositing timber or other forest produce in the depôt established under rule 15.	Subject to previous sanction of Government	

156	"	"	"	R 20	(21) To prevent or remove any obstruction of the channel or of any part of a bank of a river lawfully used for the transit of timber or other forest produce.				
	"	"	"	R 22	(21) To prescribe Government transit marks to be stamped on timber of large scantling belonging to private owners before it is moved from any district				
	"	159	"	"	2.—For SIRD.				
	"	Appendix B	"	R. 2 (1)	(i) Same as serial No. 155 (vi)				
	"	159	"	(a) & (b)					
	"	Appendix B.	"	R 2 (3)	(vi) Same as serial No. 155 (ii).				
	"		"	R 4	(iii) To issue or empower any officer to issue passes for the transit of timber or other forest produce.				Government Notification No. 6907 of 6th June 1917.
157	"	181	"	S 31 R 3	(i) To increase in special cases the amount of recompense to be paid for collecting drift timber from 50 per cent to a sum not exceeding 75 per cent of the value thereof.				Government Notification No. 5587-A of 20th October 1879, as amended subsequently.
	"		"	R 4 (3)	(ii) To fix the fees to be charged for storing at a depot drift timber belonging to a private person				
	"		"	R 5	(iii) To authorise a Forest officer to mark or keep a hammer for marking drift timber				
158	"	196	"	"	To grant rewards to persons contributing to the detection of a case above Rs 10 in each case and within the limit of the sum realised under section 67 of the Forest Act			Subject to the conditions laid down in articles 179 and 180.	Government Resolution No. 8568 of 16th December 1887.

Serial No	Name of Manual or Code.	Article.	Name of Act	Section or Rule.	Nature of Power.	Limitation and restrictions, if any.	Authority.
139	Forest Manual, Vol II	210	Indian Forest Act (VII of 1878)	S 75 (b) R 1	(1) To sanction the distribution of rewards out of the proceeds of fine, and confiscations to informers and detectors of forest offences when more than one person are concerned		Government Resolution No 5587 of 18th October 1870.
	"	211	"	"	(11) To grant rewards in forest cases when the punishment consist of imprisonment only, up to a limit of Rs 50, and when the imprisonment is coupled with fine and confiscation rewards up to the same limits plus half the proceeds of fine and confiscation.		Government Resolution Nos 5341 of 28th May 1908 and 8793 of 26th September 1913
100	"	219	"	S 75 (c) R 2	To permit cutting, lopping, appropriating or removing of reserved trees (teak, blackwood or sandalwood), grown or growing on private lands		Government Notification No. 343 of 15th January 1883
161	"	303	"		To grant permission to cut reserved trees in service man lands on payment of their estimated value		Government Resolution No. 6776 of 9th September 1900

162	216	..	S 81	(1) To execute contracts or other intru- ments connected with the adminis- tration of forests and with the business of the Forest Department, whatever be the amount or value of the subject matter thereof	...	Government Resolution No 128 of 21st February 1898.
			R. 1			
	249	..	..	(11) To grant or refuse extension of time to contractors for completion of their contracts entered into with Divisional Forest Officers. To order a temporary extension of forest privileges.	..	Government Resolution No 3100 of 2nd April 1913
163	406	..	..			Government Resolution No 8885 of 3rd October 1910
164	416	..	..	To settle exact proportion of forests to be closed to rubber cutting	..	Government Resolution No 1482 of 18th March 1879
165	491	..	..	To sanction petty local purchases of stationery and rubber stamps up to a limit of Rs. 20 in each case		Government Re- solution Gen- eral Depart- ment No 3511 of 12th May 1908
166	492	..	..	To purchase for their own use books, news- papers or other publications and to sanc- tion such purchases for the use of officers subordinate to them.	Provided that the cost is kept within the bud- get grant for purchase of books and of such re-appro- priations as he may be able	Government Re- solution, Finan- cial Depart- ment No 538 of 30th Ja- nuary 1908.

Serial No.	Name of Manual or Code	Article.	Name of Act.	Section or Rule	Nature of Power	Limitation and restrictions, if any	Authority
107	Forest Manual, Vol II	...	....	.	<p>To assume the previous sanction of Government in matters concerning.</p> <p>(i) The direction of all professional operations of technical forestry.</p> <p>(ii) the departmental control of all Forest Officers in the circle.</p> <p>(iii) department of finance, appointment transfer or leave of establishment</p>	<p>to effect under the powers vested in him from grants for contingent expenditure</p> <p>Provided (1) that they consider themselves justified in so doing either by the course of precedents on their record or by the general knowledge of policy of Government;</p> <p>(2) that such previous sanction is not required by law and</p> <p>(3) that any expenditure permitted under the delegated authority must be limited to Rs 500 in</p>	<p>Government Resolution General Department No 7669 of 17th December 1907 and Government Resolution, Financial Department No 1469 of 20th April 1910.</p>

each case where the expenditure is recurring or non-recurring and must be covered by budget provision.	461	Government Resolution No. 8885 of 3rd October 1910 and No 924 of 29th January 1919.
<i>Note.</i> —In the case of recurring charges the limit of Rs 500 applies to the total annual expenditure and the power should not be used to cover appointments costing over Rs 41 per mensem (Government Resolution Financial Department, No. 2526 of 10th June 1908)		
Restricted to industrial purposes and works of public utility generally as against purposes of a charitable kind or concessions to		
To sanction special grants of timber or other forest produce free or at favourable rates for the specific purposes shown below :—		
1 To village communities, public bodies, Departments of Government or sections of community in their collective capacity.		
Rs 1,000		
2 In other cases		
500		

Serial No	Name of Manual or Code	Article.	Name of Act	Section or Rule	Nature of Power	Limitation and restrictions, if any.	Authority.
	Forest Manual, Vol II					people living in the vicinity of forests the grants for which are regulated by the orders in serial Nos 213 (iv), 220, 301, 305, 309 to 311, 312, 323 (iv), 326, 327 and 328.	
169	"	492	.		To get printing work done at Government presses in urgent cases in anticipation of Government sanction, or at a private press if it cannot be done at a Government press in time	.	Government Order No. 800 of 29th January 1917, General Department.
170					To sanction the printing of notices of sale of the forest produce, etc., at Government presses	.	Government Resolutions Nos 10053 of 1st September 1917 and 829 of 10th March 1920

171	Civil Service Regulation n.s. 5th edition, 2nd Reprint	51, 53, 55, 57, 58, 72, 74, 89, 95, 144(b), 147(m), 160, 161, 166, 168, 180 (b), 188, 189, 193 (a), and (b), 200 205, 225 (a), 225, 230 232, 233 and 254, 258, 264-note 2, 335, 345 and Supplement 347, 417 419, 421, 422, 423, 442, 451, 453 and item 37 of Appendix I, 456 459, 474, 482, 520, 521, 780 (b), 819, 826, 833, 841 (b), 908(c) note 1, 911(c), 918(b), 930, 996(b), 997, 1017(b), 1020, 1036, 1061, 1083, 1084, 1097 (b), 1100, 1114 1117, 1127 1138, 1159 1161	Same as given under Chief Conservator	In respect of officers under their control or in respect of appointments made by them as the case may be	
172	"	841(c)	To grant privilege leave to Extra Assistant Conservators for periods not exceeding one month provided no substitute is required	Article 366, Supplement	
173	"	1048 to 1050 and Appendix 22	To grant to a Ranger or a Forester who, though not in charge of a range, is required to spend a large part of the year on tour, a permanent travelling allowance not exceeding Rs 15 or Rs 10 per month as the case may be	Government Order, Revenue Department, No 6325 of 7th June 1918.	
174	Civil Accounts Code, Vol I.	27(b), 64, 80(4), 136(a)-I, 282-A, Appendix BB BB, clauses(a), (c), (d), (e), (f), (g), (h), (i), R-13, (m), exception (a), (i).	(i) Same as given under Chief Conservator		Government Resolution Financial Department, No. 3984 of 17th October 1918.
	"	7	(ii) To sanction fixed monthly contingent allowances proportionate to amount of actual clerical work to forest subordinates within the following maximum rates —1. Range Forest Officer Re 1 to 2-8 0		

Serial No.	Name of Manual or Code	Article.	Name of Act.	Section or Rule	Nature of Power.	Limitation and restrictions, if any	Authority.
175	Civil Account Code, Vol. I.	445A.			2 Sub Range Officer or Forester on special duty or forester in charge of Round—annas 4 to 8 3 Permits and passes issuing and checking nak, depot officer, annas 1 to 6. 4. Timber depot officer and Saw mill Foreman Rs. 0 to 1 5 Talathi Rs. 0-8-0 to 1 To empower by a written order and by name a Sub-Divisional or Range officer to draw cheques against letters of Credit issued in favour of his Divisional Officer Same as serial No 112.		
176	Do. Vol. II.	84(b)			To sanction advances not exceeding 3 months pay from the General Provident Fund to non-gazetted officers in receipt of Rs 100 per mensem or over (b) Special.		
176A	General Provident Fund Rules.	Rule 20 (1)	(11)		CONSERVATOR OF FORESTS, N. C.		
177	Forest Manual, Vol. I.	106			To direct advances of tages to be made by Divisional Forest Officer under proper security to forest cultivators in all Divisions in the Northern Circle.	The Conservator to be responsible for the recovery as well as for the advance of the loans	Government Resolution, Financial Department, No. 2021 of 10th June 1910.

	Forest Manual, Vol. II	Ap. V- I			Conservator of Forests S. C. KANNIA FOREST PERMIT RULES.	For the purposes (a) to (e) mentioned in cl. 1 of the said rule.	Government Resolution No. 6079 of 27th June 1911. Government Resolution No. 6770 and 9822 of 2nd December 1875 and 28th September 1908, respectively.
178				P. 6, cl. 2 (b)	To remit up to Rs. 100 purchase money payable for forest produce granted on permits.		
179	"	241		"	Conservator of Forests, N. C. Rules for the management of forests in which the Izafatdars in the Than's district have a share (i) To examine the Izafatdar's account (ii) To appoint Rathwaddars or other forest subordinates in Izafatdars' villages in order to protect the interests of Government.		
					3.—POWERS EXERCISED BY DIVISIONAL FOREST OFFICERS (a) General.		
180	Forest Manual Vol. I.	102		"	To incur "capital expenditure" up to Rs. 200 for each item under all heads (vide Article 90) except live-stock, office and rest-house furniture and tent.		
181	"	106(a)(iii)		"	Same as serial No 132		
182	"	106(a)(c)		"	Do No 133		
183	"	137		"	To countersign travelling allowance bills of members of the executive, protective and office staff serving under the Divisional Forest Officer	Bills for journeys on transfers from one division to another shall always be submitted to the Conservator for counter-signature	Government Order, Revenue Department, No 1301 of 3rd February 1916

Serial No	Name of Manual or Code	Article	Name of Act.	Section or Rule	Nature of Power	Limitation and restrictions, if any	Authority.
	Forest Manual, Vol II	83 (i)	Indian Forest Act	..			Government Resolution No 21 of 6th January 1903
184	"	"	"	S 24	Same as serial No 141		
185	"	"	"	S 25c	Do No. 142		
186	"	"	"	S 33	Do No 143		
187	"	"	"	S 36 and 37	Do No. 144		
188	"	"	"	S 38	Do. No. 145		
189	"	"	"	S 47	Do. No 146		
190	"	"	"	S 50	Do. No 147		
191	"	"	"	S 60	Do No. 148		
192	"	"	"	S 82	Do No 149		
193	"	168	...	.	To permit quarrying of stones in reserved forests by other Departments.		Government Resolution No 0139 of 6th September 1882
194	"	103	"	S 23(d) R. 1.	To notify locally spots on public or private way lying within the boundary of a reserved forest (but not included in the area thereof) where fire may be kindled or left burning.		Government Notification No 1770 of 24th February 1913

195	"	121	"	S. 25(1) and 31(2)	1.—FOR PRESIDENCY EXCLUDING KANARA, BELGAUM, DHARWAR AND SYND.	....	Government Noti- fication No 5637 of 18th August 1903, amended by Govern- ment Noti- fications Nos 11183 of 6th December 1912 and 4177 of 17th April 1916
				R. 1 (c) (iii) R. 3 (b)	(i) To allow setting of snares or traps in a reserved or protected forest (ii) To countersign a shooting license before it has effect in the forest division concerned in the case of a licensee who does not reside or exercise jurisdiction in such division (iii) To endorse on a shooting license special permission to kill pig, tigers and other dangerous animals in the forests closed to shooting		
				R. 8			
				R. 9	(iv) To cancel the permission granted under rule 1 (c) (iii) or license issued under rule 3 in case of breach of any provision of the Forest Act or of any rule under it.	Subject to an appeal to the Collector.	
196	"	123	"	R. 1 (c) (iii) R. 2 and - 5.	2.—FOR KANARA, BELGAUM AND DHARWAR (i) Same as serial No 195 (i) (ii) To issue block shooting licenses	Subject to the control of the Conservator	Government No- tification No 4177 of 17th April 1916.

Serial No	Name of Manual or Code.	Article	Name of Act	Section or Rule	Nature of Power	Limitation and restrictions, if any.	Authority
				R 3	(iii) To divide forests of a division into shooting blocks	Subject to the approval of the Conservator.	
				R 7	(iv) To issue permits for 'shulkars'	Do	
				R 8 (a)	(v) To fix the limit of arms of each species which may be allowed to be killed in each block during the year	Subject to the approval of the Conservator The limit may be exceeded only with the permission of the Conservator given after consulting the Collector	
				R 18	(ii) To refuse a shooting license for good and sufficient reasons	Subject to appeal to the Conservator	
					(iii) To cancel a block or district license for any breach of the Forest Act or rules under it	Subject to the Collector's approval as regards district license.	
				R 20	(iii) To require a licensee to take a forest guard to accompany him and his camp during the time he is camped in forest limits.	Subject to the approval of the Conservator	
				R 23	(iv) To prohibit fishing and netting in any specified lengths of any river	Do	

197	"	124	"	R. 1 (c) (iii) R. 2(b) R. 7(iii) R. 8	3—For Sind. (i) Same as serial No. 195(i) (ii) Same as serial No. 195(ii) (iii) Same as serial No. 195(iii) (iv) Do No. 195(iv) —For the President, excluding Sind	Government No- tification No. 5296 of 12-5-15.
198	"	159	"	S 11 R. 13(a) R. 13(b) R. 14 R. 20	(i) Same as serial No } 155(vi) (ii) Do No } (iii) Do No } 155 (viii) (iv) Do No } 155(x)	Government Noti- fication No. 4133 of 9th August 1880 as amended by Government Resolution No 2181 of 29th February 1912.
199	"	181	"	S 51 R. 1(a)	To order the sale of unmarked drift timber on the spot where it is found or collected when the cost of collecting and conveying the timber to a depot is likely to exceed the probable sale proceeds	Government No- tification No 5387-A of 20th October 1879.
200	"	196	"		To grant reward to persons contributing to Subject to the Government Re- the detection of a case up to a maximum solution No of Rs 10 in each case and within the sum down in articles realised under S 67 of the Forest Act 179 and 180. 8368 of 16th December 1887.	
201	"	364	"		To grant permission to cut reserved trees in When delegated Government Re- service man lands on payment of their by the Conser- solution No. estimated value vator and subjo 5651 of 16th ct to the con- June 1913.	

Serial No	Name of Manual or Code.	Article.	Name of Act	Section or Rule	Nature of Power	Limitation and restrictions, if any	Authority
202		243	"		To execute contract or other instrument in matters connected with the administration of forests and with the business of the Forest Department up to the value of Rs 5,000	<p>ditions that each case be reported for the information of the Conservator giving details of place, number, price, and species of trees.</p> <p>Provided (a) that the previous sanction of the Conservator is obtained in connection with the sanctioned plan of operations of a season and (b) that the agreements when completed are sent to the Conservator for countersignature except in the case of those executed by Deputy and</p>	Government Resolution No 1280 of 21st February 1898.

203	Civil Service Regulations, 5th edition, 2nd Reprint	78	To allow any officer subordinate to them to proceed on duty to any part of the territory of the Local Government or to a District or Foreign State or Settlement adjoining their jurisdiction and to draw travelling allowance under rule Same as given under Chief Conservator	Extra Deputy Conservators of not less than 10 years' standing. In case of executive, protective and office staff serving under them. In respect of appointments made by them.	Article 1159, Civil Service Regulations and Appendix 10 of Supplement.
204	....	89, 147 (iii), 160, 188, 189, 193 (a) & (3), 203, 223 (a), 225, 232, 258, 335, 417, 421, 422, 423, 442, 454, 455, 456, 459, 482, 520, 521, 819, 841 (b), 908 (c) note 1, 911 (c), 918 (b), 930, 1017 (b), 1100, 1161, 841 (c)	..	..	Government Resolution. Revenue Department No. 21 of 6th January 1903
205	....	..	To grant privilege leave to protective and office establishments when no extra expenditure is involved and no substitute is required.	..	Article 137 of Forest Manual Vol. I and Government Order, Revenue Department, No. 1304 of 3rd February 1916.
206	....	1159	To countersign travelling allowance bills of members of the executive, protective and office staff serving under them.	Bills for journeys on transfer from one division to another shall always be submitted to the Conservator for countersignature	
207	Civil Account Code, Vol. I.	27 (b), 64, 282A, Ap. BBBB cl (a), Ap BBBB, cl. (m) exception (c)	Same as given under Chief Conservator		
208	General Provident Fund Rules.	Rule 20 (1) (iii)	To sanction advances not exceeding 3 months' pay from the General Provident Fund to non-gazetted officers below Rs. 100.		

Serial No	Name of Manual or Code.	Article	Name of Act	Section or Rule	Nature of Power	Limitation and restrictions, if any.	Authority.
209	Forest Manual, Vol I	106 (f) (1) (2), (3)			(b) Special DIVISIONAL FOREST OFFICERS IN THE NORTHERN CIRCLE To grant tagai advances to forest cultivators up to the same extent as Sub-Divisional Officers of the Revenue Department under proper security	..	Government Resolution, Financial Department, No 2024 of 10th June 1910.

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Insert the following entry after serial No. 209 .—

209-A	Forest Manual, Volume I	100			DIVISIONAL FOREST OFFICER, SURAT To incur expenditure up to Rs. 200 for supply of food to hudders at each sale held at the Jharia or Waghari timber depot	Subject to Conservator's sanction	G R No 7242/24 dated 21st May 1929
211							

in the reserved forests of the North Khamti
divisions are concerned.

106 (f) (6)

212	437	....	R. 3 ..	<p>DIVISIONAL FOREST OFFICERS, KANARA, DHARWAR AND BELGAUM.</p> <p><i>Special grazing rules in organised teak areas.</i></p> <p>(*) To decide who is a gowli with a view to his not being allowed as a herdsman in the organised teak areas.</p>	Government Order No. 9121 of 6th September 1918.
	438	....	R. 20 ..	<p>DIVISIONAL FOREST OFFICERS IN THE THANA DISTRICT.</p> <p><i>Grazing rules in Thana forests.</i></p> <p>(*) To permit cutting and removal of grass from closed areas for agricultural purposes.</p>	
	441	....	R. 3 .. R. 13 ..	<p>DIVISIONAL FOREST OFFICERS IN SIND.</p> <p><i>Grazing rules in Sind.</i></p> <p>(i) To issue free passes for grazing. (ii) To sanction places for erecting Bhans for cattle.</p>	Government Resolution No. 7082 of 30th June 1915.
213	Ap. V-1	....	R. 1 (b)	<p>DIVISIONAL FOREST OFFICERS IN KANARA.</p> <p><i>Kanara Forest Privilege Rules.</i></p> <p>(*) To appoint places from where clay and stones for agricultural purposes may be removed.</p>	Government Resolution No. 6079 of 27th June 1911, as amended subsequently.

Serial No.	Name of Manual or Code.	Article.	Name of Act.	Section or Rule	Nature of Power	Limitation and restrictions, if any.	Authority.
	Forest Manual Vol. II			R 3	(v) To fix the limits of strips of forest land adjoining rice and garden lands, in which the occupants may cut and clear undergrowth and brushwood except sandal wood trees, and to issue directions for demarcating such strips <i>Kanara Forest Permits Rules</i>		
				R. 1 (f)	(iii) To grant permit for removal of forest produce the value of which exceeds Rs. 50 on payment at scheduled rate.	Provided that the produce is not obtainable under the Kanara Privilege Rules and subject to the other conditions in rule 1	
				R. 6, cl. 2 (e)	(vi) To remit up to Rs. 50 purchase money payable on timber and other forest produce granted on permits	For the purposes (a) to (e) mentioned in cl 1 of rule 6.	
					DIVISIONAL FOREST OFFICER, KOLABA <i>Kolaba Forest Privilege Rules</i>		
	"	Art. V 3	....	R 2 (b)	(v) To permit the exercise of privileges in closed forest		

Ap. V-4	R. 2 (2)	<p>DIVISIONAL FOREST OFFICERS, EAST AND WEST KHANDESH DISTRICTS.</p> <p><i>North and South Tapti Forest Privilege Rules</i></p> <p>(iv) To permit cutting and removal of grass including barn and collection of dead-wood other than teak, khair and tawas from portions of closed forest and to assign places for removal of earth and stone</p>	....	Government Resolution No. 4409 of 5th May 1911.
118	R. 1 (b)	<p>DIVISIONAL FOREST OFFICER, WEST KHANDESH DISTRICT.</p> <p><i>Rules for fire protection in West Khandesh District.</i></p> <p>(iii) To allow Bhils and other wild tribesmen timber except of the reserved kinds on permits free or at reduced rates for their own use.</p>	Provided that the forests are successfully protected from fire.	Government Resolution No. 9761 of 26th September 1908
397	Land Revenue Code S 7	<p>DIVISIONAL FOREST OFFICER, NORTH KHANDESH.</p> <p>Powers of an Assistant Collector and Magistrate 2nd class in the Akram Mahal of the West Khandesh District.</p>	....	Government Resolution No. 12020 dated 24th November 1908.

Serial No	Name of Manual or Code	Article.	Name of Act.	Section or Rule	Nature of Power.	Limitation and restrictions, if any.	Authority.
215	Forest Manual, Vol II		Land Revenue Code		DIVISIONAL FOREST OFFICER, N. D. KANARA Powers of an Assistant Collector in the Mahal District. Dharwar Virnoli, { Kulgi Dandeli Kanara		Government Resolution No 2832 of 7th March 1917 Do 6146 of 19th June 1916
216					DIVISIONAL FOREST OFFICER, E. D. KANARA. Powers of an Assistant Collector in the Mahal District. Bilki Kanara Kirwatti Kargod Dharwar		Government Resolution No 3726 of 22nd April 1914. Do 6333 of 26th June 1916. Do 2832 of 7th March 1917.
217					DIVISIONAL FOREST OFFICER, W. D. KANARA. Powers of an Assistant Collector in Supra Mahal, district Kanara.		Government Resolution No. 6146 of 19th June 1916.

218	"			<p>DIVISIONAL FOREST OFFICER, BELGAUM</p> <p>Powers of an Assistant Collector in the</p> <p><i>Mahal.</i> District.</p> <p>Belgaum } Belgaum.</p> <p>Khanapur }</p>	....	Government Resolution No. 3791 of 31st March 1915.
219	"		Indian Land Improvement Loans Act XIX of 1883 and Agriculturists' Loans Act XII of 1884	<p>DIVISIONAL FOREST OFFICER, NORTH KANDESH.</p> <p>To perform the duties of a Collector under the Acts.</p>	..	Government Resolution, Financial Department, No. 2104 of 2nd May 1907.
220	"	151	"	<p>DIVISIONAL FOREST OFFICERS EXCEPT IN KANARA FOR WHOM SEE SERIAL NO. 213 (14)</p> <p>To sanction free grants of timber to any one person to a value not exceeding Rs 50 in the case of extreme poverty for re-building houses destroyed by fire or for agricultural purposes</p>	Restricted to talukas where there is natural forest.	Government Resolution No. 1662 of 2nd March 1897.
	"	"	Indian Forest Act.	<p>4. Powers exercised by Conservators and Deputy, Assistant, Extra Deputy and Extra Assistant Conservators.</p>		

Serial No	Name of Manual or Code.	Article.	Name of Act.	Section or Rule.	Nature of Power	Limitation and restrictions, if any	Authority
221	Forest Manual, Vol II	Article 85(1)	Indian Forest Act	S 20	(a) GENERAL To publish a translation of the notification issued under S 19 in the neighbourhood of the forest concerned	.	Government Resolution No 21 of 6th January 1903.
222	"	139	"	S 41 R 14	Same as serial No 135 (viii)	.	Government Notification No. 4133 of 9th August 1880
223 224	" "	" 85(1)	" "	R 20 S 44	Do To demand aid from persons employed at a depot in case of accident	.	Government Resolution No 21 of 6th January 1903
225	"	"	"	S. 45	To collect drift wood or timber of the description laid down in Article 45 and to notify depôts for the reception of such timber	.	Do
226	"	"	"	S 46	To give public notice of drift timber collected under S 45	.	Do
227	"	"	"	S. 52	To seize any forest produce in respect of which there is reason to believe that a forest offence has been committed	.	Do.
227A	"	"	"	S. 52A	To release property seized under section 52 on the execution of a bond for it, production before the trying magistrate	.	.
228	"	85(1)	"	S 53	To take charge and dispose of any Government or confiscated forest produce on conclusion of trial of the forest offence committed in respect of it	.	Government Resolution No 21 of 6th January 1903.

229	"	"	S. 56 ..	To take charge of any forest produce in respect of which an offence has been committed and the offender is not known or cannot be found and which in consequence has been confiscated under the magistrate's order	....	Do.
230	"	"	S. 63 ..	To arrest without orders from a magistrate and without a warrant any person suspected of being concerned in any forest offence, punishable with imprisonment for one month or upwards	....	Do.
231	"	"	S. 63A.	To release on a bond a person arrested.	....	G. R. No. 21 of 6th January 1903.
232	"	83(i)	S. 64	To prevent or interfere for the purpose of preventing the commission of any forest offence.	....
233	"	"	S. 67 ..	(i) To accept compensation from any person suspected of having committed any forest offence other than an offence specified in section 61 or section 62 and (ii) To release any property seized on payment of its estimated value	....	Do.
234	"	"	S. 69 ..	To seize and impound cattle trespassing in a reserved forest or any portion of a protected forest lawfully closed to grazing.	....	Do.
235	"	"	S. 71 ..	(i) To enter upon any land and to survey, demarcate and make a map of the same (ii) To compel the attendance of witnesses and the production of documents (iii) To issue a search warrant under the Criminal Procedure Code (iv) To hold enquiry into forest offences and in the course of such enquiry to receive and record evidence.	....	Do.

Serial No	Name of Manual or Code.	Article.	Name of Act	Section or Rule	Nature of Power.	Limitation and restrictions, if any	Authority
236	Forest Manual, Vol. II	85 (1)	Indian Forest Act	S 78	To demand assistance from persons bound to render it in— (a) extinguishing forest fire, (b) preventing any fire spreading to forest (c) preventing the commission of any forest offence, (d) discovering and arresting the offender To disarm persons going armed without a license or in contravention of the provisions of the Act	.	Government Resolution No 21 of 6th January 1903
237		"	Indian Arms Act (XI of 1878)	S 13		..	Government Notification No 6714 of 7th November 1879 and Government Resolution No 9375 of 2nd November 1892
238		"	Do.	..	Note—(1) Arms supplied by Government to Forest subordinates for their protection in the execution of their duties do not require a license (2) For fire arms other than those supplied by Government license is necessary except when the officer is a title holder or is otherwise exempted To officers in receipt of more than Rs 100 per month licenses are ordinarily issued on application and without previous enquiry	..	Government Order Judicial, Department, No 9054, dated 27th October 1919 Government Press Note, Judicial Department, No 9268 of 3rd November 1919 and 10926 of 22nd December 1919.

239	"	"	"	(iii) Officers of Government should not dispose of arms and ammunition to any person without making sure that such person is lawfully entitled to purchase or possess the same.	Government Resolution, Judicial Department, No. 3069 of 2nd May 1900
240	"	"	"	To enter and inspect places of manufacture and sale and to enter, seize and arrest on information that liquor, etc., is unlawfully kept in any enclosed place.	Government Resolutions Nos. 4510 of 27th August 1879 and 9355 of 2nd November 1892
241	"	"	"	To seize liquor, etc., in open places during transit and to detain, search and arrest persons against whom there is reasonable suspicion.	Salt Commissioner's Notification No. 1048 of 7th March 1891, <i>Government Gazette</i> , Part I, page 249
242	"	205	"	<p>To (1) enter any place where illicit manufacture of salt is suspected to be going on, (2) take possession of or destroy salt illicitly manufactured, (3) enter and inspect salt works and stores or vessels laden with salt, (4) detain and search any person or animal, etc., for contraband salt, (5) seize contraband salt and (6) detain, search and arrest any offender against the act.</p> <p><i>Forest Officers vested with powers provided in Section 71 (d) of the Indian Forest Act.</i></p>	Government Resolutions Nos. 5990 of 8th November 1879 and 6971 of 28th August 1885.
				To administer oaths	Limited Forest cases to offence
				Indian Oaths Act (X of 1873).	

Serial No	Name of Manual or Code.	Article.	Name of Act	Section or Rule.	Nature of Power	Limitation and restrictions, if any.	Authority.
243	Forest Manual, Vol I	Article 181	Indian Forest Act.	S 51 R 3	(b) <i>SECRET.</i> <i>Conservators and Deputy and Assistant Conservators.</i> To estimate the value of drift timber for the purpose of payment of recompense for collection under rule 1 DEPUTY AND EXTRA DEPUTY CONSERVATORS OF FORESTS OR NOT LESS THAN 10 YEARS' SERVICE	.	Government Notification No 587A of 20th October 1870

Note—Conservators are authorized to delegate the powers described under serial Nos 244 to 257 below to all Deputy, or Extra Deputy Conservators of not less than 10 years' service. The Chief Conservator may delegate these powers in exceptional cases, to Deputy or Extra Deputy Conservators of between seven and ten years' service. A Conservator should not hesitate to withdraw powers which have been delegated, however disagreeable it may be to do so, when he finds that they have been exercised with bad judgment, or to inform any officer, with whose judgment and abilities he is unacquainted or about which he is not satisfied from his previous record, that for a time he considers it advisable to withhold delegation of all or any of the delegable powers. (Government Resolutions Revenue Department, Nos 7321 of 25th July 1907, and 9307 of 21st September 1907, and Government Order, Revenue Department, No 1151 of 10th December 1919)

244	Forest Manual, Vol I	21	.	.	To transfer Ranges and Forests within the limits of the Division.	When delegated by the Conservator	Government Resolution, Revenue Department, No 7321 of 25th July 1907, power 7
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245	"	93	To write off the value of stores, tools and plant, live stock, timber and other stock up to a limit of Rs. 250.	Do.	..	Do. Power 9.
246	"	94	To conduct sales without reference to the Conservator as regards reserved prices when they are fixed by or under the orders of the Deputy or Extra Deputy Conservator and when the total estimated amount of sale does not exceed Rs 3,000	Do.	..	Do. " 6
247	"	95	To refund revenue not exceeding Rs. 200 in each case.	Do	..	Do " 13
248	"	97	To sanction expenditure on pleaders' fees up to Rs 100 in each case in the prosecution of criminal offences.	Do	..	Do. " 11
249	"	100	To sanction items of "revenue expenditure" within budget allotments	A report should be made to the Conservator of the proceedings When delegated by the Conservator.	Do. " 12	Do. " 12
250	"	101	To sanction (a) the purchase of stores, tools and plant subject to a maximum of Rs 500 in each case, (b) other items of "capital expenditure"—vide Article 99 (excluding live-stock, furniture and tents) up to Rs 1,000	Do and provided due provision has been made and approved of in the annual plan of operations	Government Resolution, Revenue Department, No 11034 of 12th November 1907	Government Resolution, Revenue Department, No 7324 of 25th July 1907 Power 10
251	"	106	To authorise an advance of one month's pay up to a maximum of Rs 50 in each case to any non-gazetted officer on the permanent establishment who can show sufficient reason for giving it.	When delegated by the Conservator for Advances for domestic or religious ceremonies are not to be granted (Government Resolution No 8226 of 23rd August 1916)	Government Resolution, Revenue Department, No 7324 of 25th July 1907 Power 10	Government Resolution, Revenue Department, No 7324 of 25th July 1907 Power 10

Serial No	Name of Manual or Code	Article	Name of Act	Section or Rule	Nature of Power	Limitation and restrictions, if any.	Authority
252	Forest Manual, Vol I	196			To authorise the destruction of useless records	When delegated by the Conservator	Government Resolution, Revenue Department, No 7324 of 25th July 1907. Power 14
253	Forest Manual, Vol II	210	Indian Forest Act.	S. 75 (b), R 1	Same as serial No 169 (*)	Do	Do Power 1
254	"	401			To make free grants of forest produce up to a limit of Rs 100 in any one case for the purposes mentioned in serial No 168	Same as against serial No 168.	Government Resolution No. 8885 of 23rd October 1910 and No 921 of 28th January 1910 Power 8
255	Civil Service Regulations	841 (b)			To grant privilege leave to subordinates below the rank of Ranger on entertaining a substitute	When delegated by Conservator	Government Resolution No 7324 of 25th July 1907 Power 3.

Note.—Of the powers sanctioned in Government Resolution No 7324 of 25th July 1907, the following have been omitted here :—

No 2 revised by Government Order No 2181 of 20th February 1912

No. 4 covered by Article 459, Civil Service Regulations, *vide* serial No 201 above

No. 5 cancelled, *vide* Article 160 of Manual, Vol. I.

No. 15 and 16 covered already by serial No 202.

256	Forest Manual Vol. II.	211		<i>Deputy, Conservators of not less than 10 years' standing.</i>	When delegated by Conservator.	Government Re- solution No. 5341 of 28th May 1908.
				To grant rewards in forest cases up to a limit of Rs. 10 when the punishment consists of imprisonment only or imprisonment coupled with fine and confiscation.		
				3. POWERS EXERCISED BY FOREST SUPER- INTENDANTS. (1) Rangers.		
257	Forest Manual. Vol. II.		Indian Forest Act.	Same as serial No 227A.		
257A	"	86	S. 63A	To release on a bond a person arrested.	When conferred by name on selected Ran- gers. (For names of Ran- gers invested with this pow- er see Gov- ernment No- tification No 5257 of 11th May 1915).	
258	"		S. 71C.	To issue a search warrant under the Crimi- nal Procedure Code.		
259	"	83 (1)	"	Same as serial No. 228		Government No- tification No. 21 of 6th January 1903.
280	"		"	Same as serial No. 229		

Serial No.	Name of Manual Vol.	Article	Source of Authority	Year of Publication	Remarks
261	Forest Manual Vol. II	170	Princ. of Forest Management	1874	Princ. of Forest Management
262	"	53(1)	"	1874	"
263	"	"	"	1874	"
264	"	"	"	1874	"
265	"	"	"	1874	"
266	"	"	"	1874	"
267	"	"	"	1874	"
268	"	"	"	1874	"
269	"	"	"	1874	"
270	"	"	"	1874	"
271	"	"	"	1874	"

Serial No	Name of Manual or Code	Article	Name of Act	Section or Rule.	Nature of Power	Limitation and restrictions, - if any	Authority.
277	Forest Manual, Vol II,	150	Indian Forests Act	S 41 R 21	To sanction the establishment of a saw pit, erection of any machinery or plant for cutting, converting or fashioning of timber or manufacture of charcoal within or within one mile beyond the limits of any reserved or protected forest (b) <i>Special</i> <i>The Range Forest Officers, Shirpur, Shahada, and Taloda of the North Khandesh Division</i> Powers of a Mahalkari for the purpose of the Tagai Accounts and the rules thereunder so far as the Forest Settlements in reserved forests are concerned <i>The Range Forest Officers in Kanara Kanara Forest Permit Rules</i>		Government Notification No. 4133 of 9th August 1880
280	Forest Manual, Vol I,	R 1 (f)	To grant permit for removal of forest produce up to the value of Rs 50, on payment at scheduled rates.	Provided that the produce is not obtainable under the Kanara Privilege Rules and sub-	Government Resolution No. 6079 of 27th June 1911.
281	Forest Manual Vol II,	R 1 (f)			

POWERS OF FOREST OFFICERS.

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282	Land revenue Code.	ject to the other conditions in rule 1	
			Government Resolution No. 12020 of 24th November 1908.
			Government Resolution No. 2832 of 7th March 1917.
			Government Resolution No. 3145 of 1908 June 1910.
			Do.
			Do.
283			
284			
285			
286			

Range Forest Officer, Akrani, North Khandesh Division.

Powers of a Mahalkari in the Akrani Mahal, West Khandesh District.

Range Forest Officer, Kalghatgi, N. D., Kanara.

Powers of a Mahalkari in the Devkop Mahal, Dharwar District.

Range Forest Officer, Virnoli, N. D., Kanara.

Powers of a Mahalkari in the Virnoli Mahal, District Kanara.

Range Forest Officer, Kulgi, N. D., Kanara

Powers of a Mahalkari in the Kulgi Mahal, N. D., Kanara.

Range Forest Officer, Dandoli, N. D., Kanara

Powers of a Mahalkari in the Dandoli Mahal, N. D., Kanara.

Serial No.	Name of Manual or Code.	Article.	Name of Act.	Sections or Rule.	Nature of Power	Limitation and restrictions, if any.	Authority
287	Forest Manual Vol. II.		Land Revenue Code.		<i>Range Forest Officer, Bhartwadli, E D, Kanara</i> Powers of a Mahalkari in the Bilki Mahal, District Kanara		Government Resolution No 3726 of 22nd April 1914.
288					<i>Range Forest Officer, Kirnathi, E D, Kanara.</i> (1) Powers of a Mahalkari in the Kirwathi Mahal, District Kanara (ii) Powers of a Mahalkari in the Kargod Mahal, District Dharwar.		Government Resolution No 3353 of 26th June 1916 Government Resolution No 2832 of 7th March 1917.
289					<i>Range Forest Officer, Belgaum, Belgaum District</i> Powers of a Mahalkari in the Belgaum Mahal, District Belgaum		Government Resolution No 3791 of 31st March 1915.
290					<i>Range Forest Officer, Khanapur, Belgaum District</i> Powers of a Mahalkari in the Khanapur Mahal, District Belgaum		Do

291	..	397	Indian Land Improvement Loans Act (XIX of 1883) and Agriculturists' Loans Act, XII of 1881.	Range Forest Officers, Shirpur East, Shirpur West, Shahada and Taloda in the North Khandesh Division.	Government Resolution, Financial Department, No 3703 of 27th November 1917.
292	Forest Manual, Vol II	115	....	POWERS EXERCISED BY REVENUE DEPARTMENT OFFICERS WITH RESPECT TO FORESTS.	Government Resolution No. 2587 of 24th March 1896
293	..	430	....	1. COMMISSIONER IN CHIEF AND COMMISSIONERS OF DIVISIONS. (a) General. To sanction the grant of rewards up to Rs. 100 in the case of each fire to village officers and other persons not being the servants of the Forest Department, who assist in extinguishing forest fires or furnish information leading to the detection of the cause of forest fires. To extend the dates fixed for collection of grazing fees in any district where the fixed date is found unsuitable	Government Resolution No. 8401 of 1st November 1904

Serial No.	Name of Manual or Code	Article	Name of Act	Section or Rule	Nature of Power	Limitation and restrictions, if any	Authority.
294	Forest Manual, Vol II.	435	..		To sanction the remission of grazing fees up to any amount	In cases where the villagers are unable to pay them	Government Resolution No. 8885 of 3rd October 1910
295	"	414	...		To relax the rates of fees for forest produce leviable under special privilege rules sanctioned by Government	In any case in which Commissioners find the rates higher than the people can well afford to pay	Government Resolutions Nos. 2932 of 7th April 1884 and 2250 of 28th March 1893
296	"	406	..		To order temporary withdrawal of forest privileges		Government Resolution No. 8885 of 3rd October 1910
297	"	415	..		To settle questions about cutting and removal by hand of grass from closed forest areas	With the consent of forest officers	Government Resolution No. 1631 of 3rd March 1891
298	"	288	.		To sanction purchase of lands, the inclusion of which in forests has already been approved by Government, provided there is budget provision to meet the expenditure in each case		Government Resolution No. 1609 of 27th February 1883
299	"	289	..	..	To sanction the use of forest land for another Government purpose when it exceeds five acres		Government Resolution No. 2457 of 13th March 1907.

300	"	400	...	To make free grants of timber from Government waste lands outside forests.	Subject to the same conditions as have been laid down for grants from forests and provided they are satisfied in each case that the trees are not required for shade or any other public purpose	Government Resolution No. 8811 of 4th September 1907.
301	"	117	....	(b) <i>Special.</i> COMMISSIONER, C. D. (1) To grant to the inhabitants of Akrami villages a reward of Rs 4 per mile of outer forest boundary fire tracers which are done by them without payment (11) To grant a reward of Rs 4 in addition to their annual emolument of Re. one to the Patels of Akrami villages for services performed as Patels. COMMISSIONER IN SIND.	Provided that fire-protection in their villages is good. Do	Government Resolution No. 8885 of 3rd October 1910. Do.
302	"	182	Indian Forest Act.	(1) To sanction the grant by the Registrar of Boats of permission to any person to collect drift timber.		Government Notification No. 1111 of 18th February 1902.

Serial No.	Name of Manual or Code	Article	Name of Act	Section or Rule	Nature of Power	Limitation and restrictions, if any.	Authority
				R. 3	(11) To sanction the sale or disposal otherwise by the Registrar of Bonta of drift timber the ownership of which vests in Government COMMISSIONERS OF CENTRAL AND SOUTHERN DIVISION <i>Grazing Rules for Central and Southern Division</i>		
303	Forest Manual, Vol II	437		R. 7	(1) To enhance the rates of grazing fees fixed in respect of any particular forest in consideration of the value of grazing obtainable in such forest or of the interests of forest conservancy (11) To relax the grazing rules in seasons of drought to such extent as may be necessary	..... ..	Government Order No 9131 of 6th September 1918.
					COMMISSIONER, S D <i>Kanara Forest Permit Rules</i>		
304		Ap. V. (1)	...	R. 6, cl 2 (e)	To remit purchase money above Rs 100 up to Rs 200, payable on timber and other forest produce granted on permits	For the purposes (a) to (c) mentioned in cl. 1 of R 6	Government Resolution No 6079 of 27th June 1911

Government No-
tification No.
7107 of 6th
September 1892.

305	Forest Manual, Vol. II.	203	Indian Forest Act.	R. 25a .. R. 28(b)	<p><i>Commissioners of Divisions.</i></p> <p>(a) issue orders and instructions to Collectors, Conservators, and Deputy Conservators in independent charge of circles,</p> <p>(b) interpret the orders of Government whenever doubts may arise in applying such orders;</p> <p>(c) settle all matters in which any difference of opinion arises between the Forest Department and any other department,</p> <p>(d) promote generally the harmonious working of the Revenue and Forest Departments, and</p> <p>(e) except in matters relating to departmental finance and to appointment, leave or transfer of establishment, in which orders of Government are required, receive, consider and with their own views in each case, when such reference is necessary, refer to Government all reports respecting forest matters submitted to them when from the Revenue or from the Forest Department</p>
306	"	....	"	R. 28(a)	<p><i>Commissioner in Sind.</i></p> <p>Direction, regulation and general control of all forest matters other than financial connected with forest administration in the province.</p>

Serial No.	Name of Manual or Code	Article.	Name of Act	Section or Rule	Nature of Power	Limitation and restrictions, if any	Authority.
307	Forest Manual Vol II		.		<i>Commissioners of Divisions</i> To sanction the rectification of errors or petty changes in sanctioned classification of forests in cases in which Revenue and Forest officer agree to the proposed rectification or change and the area affected does not exceed 100 acres.		Government Resolution, Revenue Department, No. 11221 of 7th December 1912
308	"	451	..	.	<i>Commissioners of Divisions</i> To sanction free grants of timber of a value not exceeding Rs 250 to poor people for rebuilding houses destroyed by fire or flood or for agricultural purposes	Restricted to talukas in which there is natural forest	Government Resolution No 11221 of 7th December 1912.
309	"	....	..		To sanction free grants of timber up to the value of Rs 250 to the Taluka Local Boards for improvement of local communication in bridging nakas, water courses, etc	Do.	Do
310	"	...	..	.	To sanction free grants of timber up to the value of Rs 250 in each case for repairs and construction of village school houses	Do	Do
311	"	452	..	..	<i>Commissioner at Sind.</i> Full discretion in the matter of making free grants of timber from forest and of authorising Collectors and Assistant Collectors to make them	..	Government Resolution No. 11221 of 7th December 1912

2. COLLECTIONS.							
(a) General.							
312	Forest Manual, Vol. II.	83(2)	Indian Forest Act	S 24.	to sanction the stopping of any public or private way or water-course in a reserve forest.	Provided a substitute for the way or water-course stopped already exists or has been provided or constructed.	Government Resolution No. 21 of 6th January 1903.
313	"	113	...		(i) To raise the grazing fee at once to Rule one and with the Commissioner's sanction to R ⁴ , 2 in bad cases where the villagers show no signs of improvement in fire protection.		Government Resolution No. 1498 of 13th February 1919.
	"	111	....	..	(ii) To impose usual fees in respect of a privilege previously enjoyed free, or double the ordinary fee, or stop the privilege altogether for one season on the recurrence of a fire after formal warning in the forests of any village		Government Resolution No. 7186 of 13th October 1903.
314	"	125	....	..	(iii) To suspend privileges for a second year in villages where after suspension for one year the villagers have shown no improvement in fire protection	Subject to sanction of the Commissioner.	Do.
	"			..	To introduce the lump sum system of grazing fees in any village the residents of which prefer it	..	Government Resolution No. 9982 of 10th October 1907.

Serial No	Name of Manual or Code	Article	Name of Act	Section or Rule	Nature of Power	Limitation and restrictions, if any	Authority.
315	Forest Manual Vol II	431(1)			To issue orders as to the areas to be closed to sheep and goats	After consulting the Conservator and with the sanction of the Commissioner	Government Resolution No 6487 of 3rd September 1889
316	"	"	Indian Forest Act	S 60	Same as serial No 148		Government Resolution No 6308 of 3rd August 1903.
317	"	208	"	S 75 (a) R 6	(i) To issue orders regarding the posting and distribution of the subordinates of the Forest Department		Government Notification No 7107 of 6th September 1892.
				R 8	(ii) To issue orders in all matters relating to local supply including that of grass and grazing or the rights and privileges of the people in or in respect of forests		
				R 9	(iii) To sanction the closure of forest compartments whether for planting or reboisement or for punitive purposes		
				R 13	(iv) To deal with all plans of forest operations submitted by Divisional Forest Officers under rule 12 with special reference to any proposed closure of forest areas against grazing or other privileges and to see that due provision is made for local wants		

318	....	"	R. 18	(e) To inspect the offices and accounts of Range Forest Officers.	In consultation with the Conservator and subject to the sanction of the Commissioner.	Government Notification No. 5387 of 18th October 1879.
319	....	"	R. 22	(v) To make arrangements to meet the requirements of the villages in a locality where it becomes necessary to delay the felling of a compartment beyond the time at which such felling would according to regular rotation be due	In the case of reserved and protected forests in charge of the Revenue Department.	Government Resolution No. 6376 of 9th September 1890.
320	....	....	S. 75 (b) R. 1	Same as serial No 159 (i)	....	Government Resolution No. 2657 of 13th March 1907
321	....	"	"	To permit occupants of service holdings to cut away trees standing in their holdings including isolated teak and other reserved trees, the latter on payment of their estimated value	If the Conservator concerned has no objection.	Treasury Manual, Article 88. Government Resolution, Financial Department, No. 5324 of 30th August 1919.
	....	"	"	To sanction the use of forest land for another Government purpose up to a limit of 5 acres	COLLECTORS AND DISTRICT MAGISTRATES	
	....	"	"	To sanction special rewards not exceeding Rs 200 for killing specially proved and well organised cases of man-eaters, tigers, panthers or leopards		

Serial No	Name of Manual or Code.	Article	Name of Act	Section or Rule.	Nature of Power	Limitation and restrictions, if any.	Authority.
323	Forest Manual, Vol II	137		R 1	(b) SPECIAL COLLECTORS IN CENTRAL AND SOUTHERN REVENUE DIVISIONS. <i>Grazing rules for Central and Southern Divisions</i> To fix the maximum number of cattle to be admitted for grazing in any particular forest. COLLECTOR OF KANARA <i>Kanara Forest Privilege Rules</i>		Government Order No 9121 of 6th September 1918
323	"	Ap V-1		R 1 (a) R 5	(i) To exclude from reservation any of the reserved trees for lopping and removal of <i>soppu</i> (ii) To extend beyond 30th September the period allowed for lopping <i>soppu</i> (iii) To suspend or impose restrictions on the exercise of privileges in case of abuse <i>Kanara Forest Permit Rules</i>		Government Resolution No. 6079 of 27th June 1911
				R 6, cl 2 (b)	(iv) To remit purchase money up to Rs 100 payable for timber and other forest produce granted on permits	For the purposes (a) to (e) mentioned in cl 1 of the said rule.	

324	"	123	Indian Forest Act.	S 25 (1) R 2 & 5 R. 18	Collectors of Kanara, Belgaum and Dharwar. (1) To issue district shooting licenses (11) Same as serial No 196 (v) Collector of Kanara. Same as serial No. 155 (v)	.... ..	Government No- tification No. 4177 of 17th April 1916 Government No- tification No. 4133 of 9th August 1880.
325	"	"	"	S. 41 R 10	COLLECTORS IN THE PRESIDENCY PROPER. To make free grants of timber from Govern- ment waste lands outside forests.	Same as against serial No. 300.	Government Re- solution No. 5736 of 14th June 1909.
326	"	160	....	..	To make free grant of timber from forests or revenue waste lands in their charge upto the limit of Rs 50 for religious purposes to village communities, public bodies, etc., in their collective capacity.	Provided they are satisfied that the trees are not re- quired for shade or any other public purpose and that the Divi- sional Forest Officer (if there is one) is con- sulted before the grant is	Government Re- solution No. 7113 of 31st July 1912.
327	"	"	....	..	

Serial No	Name of Manual or Code	Article.	Name of Act	Section or Rule.	Nature of Power	Limitation and restrictions, if any	Authority
228	Forest Manual, Vol II.	451			COLLECTORS IN THE PRAVINDEHY PROPER EXCEPT THE COLLECTOR OF KARAR, FOR WHOM SEE SERIAL NO 323 (10) To sanction free grants of timber from forest to a value not exceeding Rs 100 to poor people for rebuilding houses destroyed by fire or flood or for agricultural purposes. 3 ASSISTANT AND DEPUTY COLLECTORS (a) General	is made and that care is taken not to denude the lands of trees	Government Resolution No 11221 of 7th December 1912.
329	"	"	Indian Forest Act	S 10	To appeal from orders passed by the Forest Settlement Officer under section 15 of the Act		Government Resolution No 1190 of 9th February 1885
330	"	208		S 55a R 3	(a) Powers of the Collector in respect of forest matters subject to the provisions of section 10 of the Bombay Land Revenue Code (12) To inspect the offices and accounts of Range Forest Officers.		Government Notification No 7107 of 8th September 1892.

331	"	"	"	S 2	Powers of a Forest Officer for all purposes of the Act	With respect to reserved or protected forests within their charges under the management of the Revenue Department.	Government Resolution No. 6308 of 3rd August 1905.
332	"	"	"	S 60	Same as serial No. 148		
333	"	"	"	S. 67	Do. No. 233	Do. subject to the provisions of sub-section (3) of section 67	
					(b) Special		
					ASSISTANT OR DEPUTY COLLECTORS IN THE PRESIDENCY EXCLUDING SIND.		
334	"	88	"	S 41 R. 14	Same as serial No. 155 (viii)	With respect to reserved or protected forests within their charges which may be under management of the Revenue Department or Forest Department.	Government Resolution No. 9479 of 2nd October 1916.
335	"	"	"	S. 52	Do. No. 227		
336	"	"	"	S. 63	Do No. 230		
337	"	"	"	S. 64	Do. No. 232		

Serial No.	Name of Manual or Code	Article	Name of Act.	Section or Rule	Nature of Power.	Limitation and restrictions, if any	Authority
338	Forest Manual, Vol. II	159 Ap. B	Indian Forest Act	S 41 R. 5	<i>Assistant Collectors and Deputy Collectors in Sind</i> To inspect passes relating to timber and charcoal in transit	With respect to reserved or protected forests within their charges which may be under the management of the Revenue Department or Forest Department	Government Resolution No 6908 of 6th June 1917
339	"	89	"	S 52	Same as serial No. 227	Do	
340	"	"	"	S 53	Do. No 240	Do	
341	"	"	"	S 61	Do No 232	Do	
					<i>Assistant Collectors or Deputy Collectors in Thana and Kolaba districts and Perint taluka of Nasik District</i> <i>Rules to regulate the cutting of trees in the protected forests of Thana and Kolaba</i>		
342	"	149	"	S. 31 R 6	To permit cultivators of any village to cut down for their own use any tree other than injah in the protected forest		Government Notifications Nos 1920 of 23rd February 1909 and 2405 of 8th March

343	"	438				ASSISTANT COLLECTORS IN THE THANA DISTRICT. <i>Grazing Rules in Thana forests</i> To decide any question as to the definition of a cultivator or non-agriculturist	1909 for Thana and Kolaba and No. 8783 of 19th September 1911 for Pent.
			R. 6 (A)			Book of rules and orders in force in Thana.	
344	"	87	Indian Forest Act	S. 2 ..	Same as serial No. 331	(c) General	Government Resolution No. 6308 of 3rd August 1905.
345	"	"	"	S. 60 ..	Do No. 149	With respect to reserved forests within their charges under the management of the Revenue Department.	
346	"	"	"	S. 67 ..	Do No. 233	Do subject to the provisions of sub-section (3) of section 67.	

Serial No.	Name of Manual or Code	Article	Name of Act	Section or Rule	Nature of Power	Limitation and restrictions, if any.	Authority.
347	Forest Manual, Vol II.	208	Indian Forest Act	S 75a, R 24	To inspect, when he camps in the limits of a forest beat or round, the forest guard's diary. (b) <i>Special.</i> MANULAKARAS AND MANULAKARAS IN THE PRESIDENCY EXCLUDING SIND. Same as serial No 155 (Viii)	.	Government Notification No 7107 of 6th September 1892.
348	"	88	"	S. 41, R 14		.	Government Resolution No 9479 of 2nd October 1916
349	"	"	"	S 52	Do. No 227	.	Government Notification No 9870 of 1st December 1891.
350	"	"	"	S 63	Do No 230	.	
351	"	"	"	S. 64	Do No 232	.	
352	"	176	Indian Sea Customs Act VIII of 1878	S 157	To issue passes for shipment of forest produce mentioned in Article 158 of this Manual MUNSHIARAS AND MANULAKARAS IN SIND.	.	Government Notification No 9870 of 1st December 1891.
353	"	159	Indian Forest Act	S 41	Same as serial No 338.	.	Government Resolution No 9908 of 6th June 1917.
354	"	App B 89	"	S 52	Do. No 227	.	
355	"	"	"	S 63	Do. No 230	.	
356	"	"	"	S 64	Do No 232	.	

357	"	149	"	"	S. 31 R. 5 (b)	<i>Mamlidars in Thana and Kolaba districts and Peint taluka of Nasik district.</i> To permit the cutting down in protected forest of any injali tree, fruit tree, leading shoot or best stem, not useful for talal or fruit.	Same as against serial No 342
358	Forest Manual, Vol. II.	88	Indian For- est Act.	"	S. 41 R. 14.	SUBORDINATE OFFICERS OF THE REVENUE DEPARTMENT. (1) <i>Circle Inspectors, village accountants, Revenue or Police Patils in the Presidency excluding Sind.</i> Same as serial No. 155 (1111)	Government Re- solution No. 9179 of 2nd October 1916.
359	"	"	"	"	S. 52	Do No. 227	....
360	"	"	"	"	S. 63	Do. No 230	....
361	"	"	"	"	S. 64	Do No. 232	....
362	"	159 Appendix B.	"	"	S. 41 R. 5	(11) <i>Supervising Tahsildars and Tahsildars in Sind.</i> Same as serial No. 338	Government Re- solution No 6908 of 6th June 1917.

Serial No	Name of Manual or Code.	Article	Name of Act	Section or Rule.	Nature of Power	Limitation and restrictions, if any	Authority
302A	Forest Manual, Vol. II	89	Indian Forest Act	S. 52 ..	Same as serial No 227	..	
303	"	"	"	S 63 ..	Do No 230	..	
304	"	"	"	S 64 .	Do No 232	..	
					(iii) Talats of Kharepnan in the Deogad taluka of Ratnagiri district Rules for export of forest produce imported from Native States		Government Resolutions Nos 7723 of 29th July 1908 and 10250 of 9th October 1908
305	"	100	"	R 3 ..	To issue passes for export of forest produce imported from Native States	..	
					(ii) HEAD KARKUNS, GENERAL DUTY KARKUNS AND TALATS		
360	..	"	Indian Sea Customs Act, VIII of 1878.	S 157 (c)	Same as serial No 352	..	Government Notification No. 9670 of 1st December 1899

Serial No	Name of Manual or Code	Article	Name of Act	Section or Rule	Nature of Power.	Limitation and restrictions, if any.	Authority
CHAPTER XLIII.							
POWERS EXERCISED BY OFFICERS OF OTHER DEPARTMENTS WITH RESPECT TO FORESTS							
OFFICER IN CHARGE OF THE REMOUNTED TRAINING DISTRICT AT AHMEDNAGAR.							
375	Forest Manual Vol II	98 & 99	Indian Forest Act	S 2 & S 75	To do all acts and exercise all powers that are prescribed by the Act or by the rule, under it to be done by a Forest Officer	In respect of the reserved forest known as the "Narayan Deva" and "Chichondi" kurans in the Ahmednagar district.	Government Notification No 3123 of 20th June 1892 and 1092-A of 31st May 1895
376		100	"	S 2 & S 75	2 GRASS CONSERVATION OVERSEER AT THE REMOUNTED TRAINING DISTRICT AT AHMEDNAGAR. Do	Do. do.	Government Notification No 3023 of 6th August 1895
377		101	"	S 2 & S 75	3 EXECUTIVE COMMISSIONARY OFFICER, AHMEDNAGAR. Do.	In respect of the reserved forest kurans of Sasawadi Kapur-	Government Notification No 8155-A of 11th October 1892.

378	95	"	S. 2 S. 75	1. CHIEF COMMISSIONER OFFICER, POONA. To do all acts and exercise all powers that are prescribed by the Act or by rules made under it to be done by a Forest Officer.	wadi, Shendi, Manjerumba and Ghospur, in the Nagar Taluka of the Ahmednagar District	In respect of the Government reserved forests in the Poona District assigned for the use of the Commissioner's Department.	Government Notification No. 1092 of 31st May 1895
379	96	"	S. 67	To compound offences	Do	Do	Government Notification No. 1090 of 9th February 1897.
380	97	"	S. 52	2. SUPERINTENDENT OF GRASS OPERATIONS, COMMISSIONER'S DEPARTMENT, POONA, AND COMMISSIONER KURAN CHAKRADAR IN THE DISTRICT OF POONA. To seize forest produce in respect of which an offence has been committed			
381	"	"	S. 53	To arrest persons concerned in any forest offence punishable with imprisonment for one month or upwards.		Within the jurisdiction of the officers concerned	Government Notification No. 2765 of 30th March 1896
382	"	"	S. 69	To seize and impound cattle trespassing in a reserved forest or in any portion of protected forest closed to grazing.			

Serial No	Name of Manual or Code.	Article	Name of Act.	Section or Rule	Nature of Power	Limitation and restrictions, if any	Authority.
383	Forest Manual, Vol II.	94	Indian Forest Act	S 2 and S. 75	6 SUPERINTENDENT, CIVIL, VETERINARY DEPARTMENT, BOMBAY PRESIDENCY To do all acts and exercise all powers that are prescribed by the Act or by rule, made under it to be done by a Forest Officer	In respect of the reserved forest known as the Chendurphali, Batramna, Soregaon and Darubhatti, Kurans in the Sholapur district transferred to the charge of the Civil Veterinary Department	Government Notification No. 9101 of 21st November 1905
384	"	93	"	S 25, S 33 and S 17 (d)	7 SUPERINTENDENT, MATHURAN To do anything required by the section, or by any rule relating to the sections to be done by a Forest Officer, and to hold an enquiry into forest offences, and in the course of such enquiry to receive and record evidence	Within the jurisdiction of the officer concerned.	Government Notification No. 1909 of 8th August 1900
385	"	90	"	S 41 R 14	8 OFFICERS OF THE CUSTOMS, SALT AND ALKALI DEPARTMENT. Same as serial No 154 (viii)	Except in Ahmedabad, Kaira	Government Notifications Nos.

POWERS OF OTHER DEPARTMENT OFFICERS.

491

386	"	"	"	S 52 ..	Do No 221. 9. REGISTER OF BOATS ON THE RIVER INDUS. <i>For Sind.</i>	and Branch districts.	7990A of 15th November 1882 and 2430 of 22nd March 1883.
387	"	182	"	S 51 . R 1 .	(1) To collect all timber found adrift, beached, stranded, or sunk on, or on the banks or islands of, or in, the river Indus, and its tidal channels (2) To grant permission to any person to collect do.	.	Government No- tification No. 1111 of 18th February 1902.
	"	"	"	R 2	(iii) To sell or otherwise dispose of such timber the ownership of which vests in Government	Subject to sanc- tion of the Commissioner in Sind. Do.	
	"	"	"	R 3	10. CUSTOMS OFFICER, KETI BUNDAR. AND 2 SEA COAST INSPECTORS WHOSE DUTY EXTENDS FROM KETI BUNDAR TO CATCH AND THE HAD RIVER (SIND).		
388	"	91	"	S 41 . R 5	To inspect passes or certificates relating to timber or charcoal in transit	...	Government No- tification No 4456 of 10th May 1909.
389	"	92	"	"	11 CUSTOMS OFFICER, SINDO BUNDAR (SIND)		Government No- tification No 1177 of 5th February 1918.

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Appendices.

APPENDIX I.

(Articles 121, 123 and 124)

List of birds and animals for which close-time has been prescribed.

In the Presidency Proper.

In exercise of the powers conferred by section 3 of the Wild Birds and Animals Protection Act, 1912 (VIII of 1912), the Governor in Council is pleased to declare, in supersession of Government Notification No 2565* dated 19th March 1914, that the period specified in column 2 of the schedule hereto appended shall be the close-time for the kinds of wild birds or animals specified in column 1 thereof in the Presidency proper :—

. SCHEDULE.

(a) *Wild Birds.*

English names.	Scientific names	Close-time.
1 Bustard Great Indian	.. Eupodotis edwardsi	From 1st April to 15th September of each year.
2. Comb Duck or Nukta	.. Sarcidiornis melanotos	
3. Duck, Spot-bill	.. Anas pocellorhyncha	
4 Jungle-fowl, Grey	.. Gallus sonnerati	
5. Lessor Florican or Lakli	.. Syphocotis aurita	
6. Partridge, Black	.. Francolinus vulgaris	
" Painted	.. Francolinus pictus	
" Grey	.. Francolinus pondicerianus	
7. Pea-fowl	.. Pavo cristatus	
8 Quail, Rock Bush	.. Perdix agunda	
" Jungle Bush	.. Perdix asiatica	
" Painted Bush	.. Microperdix erythrorhynchus	
9. " Bustard	.. Turnix pugnax	
" Indian Button	.. Turnix tanki	
" Little Button	.. Turnix dussumieri	
10. " Rain	.. Coturnix coromandelica	The whole year.
11 Sand-Grouse, Painted	.. Pterocles fasciatus	
" Common	.. Pteroclorus exustus	
12. Spur-fowl, Red	.. Gallopodix spadicea	
" Painted	.. Gallopodix lunulata	
13. Teal, Cotton	.. Nottopus coromandelianus	
14. " Whistling	.. Dendrocyena javanica	
15 Barbet, Common Indian	.. Thericeryx zeylonicus	
" Green.		
" Small Green	.. Thericeryx viridis	
" Crimson-breasted	.. Xantholema hæmatocephala	
" Crimson-throated	.. Xantholema malabarica	
10. Bee eater, Common Indian	.. Merops viridis	
" Blue tailed	.. Merops philippinus	
" Chestnut-headed.	.. Meltophagus swinhoei	
" Blue-bearded	.. Nyctiorus athertoni	

* Published at page 636 of the *Bombay Government Gazette*, Part I, of 26th March 1914.

	English names.	Scientific names.	Close time
17	Bittern, Common	<i>Botaurus stellaris</i>	The whole year
	" Little	<i>Ardetta minuta</i>	
	" Yellow	<i>Ardetta sinensis</i>	
	" Chestnut	<i>Ardetta cinnamomea</i>	
18	Blue-bird, Fairy	<i>Irena puella</i>	
19	Bulbul, Southern-Indian	<i>Hypipetes ganeca</i>	
	Black		
	" Madras Red-vented	<i>Molpastes hamorrhous</i>	
	" White-eared	<i>Molpastes leucotis</i>	
	" Southern Red-whiskered	<i>Otocorpea fuscicaudata</i>	
	" Yellow-browed	<i>Iola icterica</i>	
	" Ruby-throated	<i>Pyononotus gularis</i>	
	" White-browed	" <i>lutcolus</i>	
	" Grey-headed	<i>Micropus phaeocephalus</i>	
20	Chloropsis, Malabar	<i>Chloropsis malabarica</i>	
	" Jerdon's	<i>Chloropsis jerdoni</i>	
21	Diongo, Hair crested	<i>Clusia holttentotta</i>	
22	" Large Racket-tailed	<i>Dicromurus paradiscus</i>	
23	Egret, Large	<i>Herodias alba</i>	
	" Smaller	<i>Herodias intermedia</i>	
	" Little	<i>Herodias garzetta</i>	
	" Cattle	<i>Bubulcus coromandus</i>	
24	Ground-Thrush White-throated	<i>Geothlypis cyanonotus</i>	
25	Heron, Pond	<i>Ardeola grayi</i>	
26	Hoopoe, European	<i>Upupa epops</i>	
	(migratory)		
	" Indian (resident)	<i>Upupa indica</i>	
27	Indian Paradise Fly-catcher	<i>Terpsiphono paradisei</i>	
28	" Pitta	<i>Pitta brachyura</i>	
29	King fisher, Indian Pied	<i>Ceryle varia</i>	
	" Common	<i>Alcedo rapida</i>	
	" Beavan's	<i>Alcedo beavanii</i>	
	" Indian three-toed	<i>Ceyx tridactyla</i>	
	" Brown-headed	<i>Polargopsis gural</i>	
	" Stork-billed		
	" White-breasted	<i>Halcyon smyrnensis</i>	
	" Black-capped	<i>Halcyon pileata</i>	
	" White-collared	<i>Sauroptis chloris</i>	
30	Malabar Trogon	<i>Harpactes fasciatus</i>	
31	" Whistling-Thrush	<i>Myiophonus horsfieldi</i>	
32	Minivet, Orange	<i>Pericrocotus flammeus</i>	
33	" White-bellied	<i>Pericrocotus erythropygius</i>	
34	Myna, Bank	<i>Acridotheres ginginianus</i>	
	" Black-headed	<i>Acridotheres pagodarum</i>	
	" Common	<i>Acridotheres tristis</i>	
	" Grey-headed	<i>Sturnia malabarica</i>	
	" Jungle	<i>Æthopias fuscus</i>	
35	Oriole, Black-naped	<i>Oriolus indicus</i>	
	" Indian	<i>Oriolus kundoo</i>	
	" Indian Black-headed.	<i>Oriolus melanocephalus</i>	
	" European	<i>Oriolus galbula</i>	
36	Ortolan or Rufous short-toed Lark	<i>Calandrella dukhunensis</i>	

English names.		Scientific names.	Close time
37	Roller, European (migratory).	<i>Coracias garrula</i>	}
	Indian (resident)	<i>Coracias indica</i>	
38	Shama	<i>Cittocincla macrura</i>	
39.	Sun-bird, Loten's ..	<i>Arachnechthra lotenia</i>	
40	" Purple ..	" <i>asiatica</i>	
41	" Purple-rumped.	" <i>zeylonica</i>	
42	" Small ..	" <i>minima</i>	
43	" Vigor's Yellow-backed ..	<i>Ethopyga vigorsii</i>	
44	Wood-pecker, South-Indian Yellow-naped.	<i>Gecinus chlorogaster</i>	
	" Little Scaly-bellied Green.	<i>Gecinus striolatus</i>	
	" Sind Pied ..	<i>Dendrocopus snyderi</i>	
	" Yellow-fronted ..	<i>Loopicus maharattensis</i>	
	" Indian Pigmy.	<i>Iyngipicus hardwickii</i>	
	" Malabar Rufous	<i>Micropternus gularis</i>	
	" Golden-backed ..	<i>Brachypternus aurantiacus</i>	
	" Common Golden-backed Throated.	<i>Tiga javanensis</i>	} The whole year.
	" Black-backed.	<i>Chrysocolaptes festivus</i>	
	" Tickell's Golden-backed.	<i>Chrysocolaptes gutticatus</i>	
	" Heart spot ted.	<i>Homicercus canento</i>	
	" Malabar Great Black	<i>Thriponax hodgsoni</i>	
	" Speckled Piculet.	<i>Picumnus innominatus</i>	

(b) Wild Animals.

1.	Hares, Common ..	<i>Lepus ruficaudatus</i>	} From 1st April to 15th September of each year.
	" Black naped ..	<i>Lepus nigricollis</i>	
	" Sind ..	<i>Lepus dayanus</i>	
2.	Elephants (except Elephants in the forests of Kanara and Belgaum)	<i>Elephas indicus</i>	} The whole year
3.	Indian Bison (cows and calves).	<i>Bos gaurus</i>	

	English names	Scientific names	Close time.	
4	Sambhar	<div> <div> <div>Females</div> <div>Immature</div> <div>males</div> </div> <div> <div>Hornless</div> <div>stags</div> <div>Stages in</div> <div>velvet ..</div> </div> </div>	<div> <div>Cervus unicolor</div> <div>Cervus axis</div> </div>	The whole year

Note—An immature male of Sambhar is one whose horn-length is 15 inches or less and an immature male of Chertal is one whose horn-length is 12 or less.

(Government Notification No. 4177-B dated 17th April 1916, R. D.)

In the Province of Sind.

In exercise of the powers of a local Government under the Wild Birds and Animals Protection Act, 1912 (VIII of 1912), conferred on him by Government notification No. 11153, dated the 16th November 1911, and in supersession of Government notification No. 7695, dated the 19th August 1914, under section 3 of the Act, the Commissioner in Sind is pleased to declare that the period specified in column 2 of the schedule hereto appended shall be the close time for the kinds of wild birds and animals specified in column 1 thereof in the Province of Sind.

Schedule under section 3 of the Wild Birds Protection Act.

(A) BIRDS.

English names		Scientific name	Close time
1.	Partridge, black	<i>L francolinus vulgaris</i>	<div> <div>From March 15th to</div> <div>September 15th in</div> <div>each year</div> </div>
2	Partridge, gray	<i>L francolinus pondicherryensis</i>	
3.	Bustard, great Indian	<i>Eupodotis Edwardsii</i>	
4	Bittern, common	<i>Befaurus stellans</i>	
	Bittern, little	<i>Ardetta minuta</i>	
	Bittern, yellow	<i>" bircensis</i>	
	Bittern chestnut	<i>" cinnamomea</i>	
5	Curlew	<i>Numenius arquata</i>	
6	Whimbrel	<i>Numenius phaeopus</i>	
7	Whistling teal, lesser	<i>Dendrocygna Javanica</i>	
	Whistling teal greater	<i>" fulva</i>	
8	Spotbill	<i>Anas pectorrhynchos</i>	
9	Lapwing, red wattled	<i>Sarcogrammus indicus</i>	
	Lapwing, yellow wattled	<i>" malabaricus</i>	
10	Sandgrouse (all kinds)	<i>Pteroclidus</i>	
11	Painted snipe	<i>Rhynchaea Bengalensis</i>	
12	Grobe, crested	<i>Podiceps cristatus</i>	
13	Peafowl	<i>Pavo cristatus</i>	
14.	Egret, large	<i>Herodias alba</i>	
	Egret, lesser black-billed	<i>Herodias garzetta</i>	
15.	Herons	<i>Ardeias</i>	
16	Lesser florican	<i>Sypheotis aurita</i>	
17	Pigeons	<i>Columba</i>	The whole year with in the limits of the Karachi district.

	English names	Scientific names.	Close-time.
18	Babbler, jungle	<i>Crateropus canorus</i>	..
	" <i>striated</i>	<i>Argya Earli</i>	
	" common	" <i>caudata</i>	
	" large grey	" <i>Malcolm</i>	
19	Barbet, crimson breasted	<i>Xantholaema hæmotocophala</i>	
20	Hoopoe (European)	<i>Upupa epops</i>	..
	" (Indian)	" <i>indica</i>	
21	Kingcrow	<i>Dicæurus ater</i>	
22	Kingfishers	<i>Halcyonidæ</i>	
23	Myna, bank	<i>Acridotheres ginginianus</i>	
	" blackheaded	<i>Temenuchus pagodarum</i>	The whole year.
	" common	<i>Acridotheres tristis</i>	
	" jungle	<i>Ethiopsar fuscus</i>	
24	Oriole, Indian	<i>Oriolus kundoo</i>	
	Oriole, European	" <i>galbula</i>	
25	Ortolan or rufous short-toed lark	<i>Calandrella dekhanensis</i>	..
26	Roller, European	<i>Coracias garrula</i>	
	" Indian	" <i>indica</i>	..

(B) MAMMALS.

1	Wild ass	.. <i>Equus hemionus</i>	.. The whole year
2.	Hogdeer, doe	. <i>Cervus porcinus</i>	.. Do.
	" buck	..	.. From 1st June to 31st October in each year.
3	Gazelle (chinkara)	.. <i>Gazella bennetti</i> —	The whole year.
	" doe	..	
	" buck	..	
4	Wild goat (Sind ibex)	.. <i>Capra negagrus</i> —	From 1st April to 30th September in each year
	" male	..	
	" female	..	
5.	Hare	.. <i>Lepus daynus</i>	.. From 1st April to 15th September in each year
6.	Wild sheep (ghad or Unul)	.. <i>Ovis vognet</i> —	..
	Male	..	
	Female	..	

(Commissioner in Sind's Notification No 2262, dated 4th August 1916).

APPENDIX II.

[Article 223]

Government Resolutions discussing special cases of rights to trees in various districts and giving orders on them

1 *Thana District*.—The following extracts relate to forest settlements of the Kalvan and Dahanu talukas of the Thana District—

Government letter No 4008, dated 19th May 1881, to the Remembrancer of Legal Affairs.—

“ 2. In the first place the question arises whether the Superintendent of Survey, if he did what the Collector assumes, was authorised to make concessions of the right to cut trees in forest or waste lands. It seems to His Excellency the Governor in Council that the Survey Department is concerned only with the concession of rights to trees as an incident of occupancy.

“ 3. The next question is whether if Major Waddington made any distinct concession, it was ratified by Government. Reference is made among the papers to paragraph 9 of Government Resolution No. 3183 of September 5th, 1866, as an authority for the concession, but in the opinion of His Excellency the Governor in Council this paragraph refers to paragraphs 3—5 of Major Francis' report No 120 of June 27th, 1866, which deals obviously with trees in *rayats'* holdings.

“ 4. His Excellency the Governor in Council further considers that even if such a privilege as is supposed on lands now in protected forest were tacitly recognised by Government in 1866, it was clearly only as a revocable privilege, for the trees in such land are confessedly the property of Government. No right of prescription accrues against Government, and Government are entitled to make such lands protected forest and prohibit the cutting of any class of trees therein.

“ 5. Again, as there were no Imperial Reserves in Kalvan and Dahanu in 1866, it would appear to be a reasonable construction of the words ‘lands set aside as Imperial Forests’ that they mean ‘lands which may from time to time be set aside.’ ”

Letter No 1223, dated 16th September 1881, from Remembrancer of Legal Affairs to Government.—

“ 18. On a review of the whole correspondence and proceedings I am clearly of opinion that no concessions were made in either of the two talukas in question

to any but occupants (including, as was afterwards held by Government, their inferior holders), and that the concessions made to them applied only to the lands within their respective occupancy.

" 19. A further question has been raised by the Commissioner as to how far Government should permit their officers to go in preventing the exercise of disputed claims in the forest notified under section 34 of the Forest Act in the interval between now and the time when a Forest Settlement Officer will be able to take up the inquiry into rights in those forests. There is nothing in section 34 of the Forest Act which requires Government to abstain, pending inquiry, from asserting and vindicating their own rights. If the claims are numerous that would be a good reason for appointing a Forest Settlement Officer at the earliest practicable date to inquire into and settle them, but Government are quite justified in preventing waste and destruction being committed by claimants in the meantime. If such claimants are not content to await the investigation of their claims under the Forest Act, the Civil Courts are available to them for the assertion of them at once.

" 20. I, of course, do not mean to imply that Government can authoritatively rule that no rights were conceded in forest and waste lands at the introduction of the survey. If rights are claimed before the Forest Settlement Officer, when one is appointed, either in consequence of the concessions made at the time of the Survey Settlement or on any other ground, it will be his duty to inquire into and decide those claims. The views which I submit with regard to the survey settlement are such as may be used before the Forest Settlement Officer or before the appellate authority on behalf of Government for the purpose of refuting claims under that settlement, if any should be brought " (Government Resolution No. 7800, dated 1st October 1884.)

The special orders contemplated in Government Notification No. 7915, dated 27th October 1893, are those passed in paragraph 2 of Government Resolution No. 6908, dated 26th September 1893, authorising the Collector to sell *outright*, as under the arrangements in force in Kolaba, to the occupants reserved trees growing in occupied lands, except in tracts where they exceed 50 to the acre. It is

intended by these orders that the right to the aftergrowth should be disposed of with the trees at the time of their sale, and no further orders in the matter are necessary. (Government Resolution No. 8800, dated 26th October 1891)

Government concur in the opinion of the Commissioner, Northern Division, that the after-growth of teak trees cut in varkas lands in the Thana District where they exceed 50 to the acre belong to Government (Government Resolution No. 10198, dated 12th December 1891)

The right to the teak after growth in occupied varkas should be reserved to Government in all cases except the few in which it has already been expressly granted to the occupants. But the after-growth should be managed by the Revenue Department for the agricultural and domestic uses of the occupants, and the after-growth of teak on communal varkas should similarly be managed for the benefit of the villagers generally. (Government Resolution No 7111, dated 27th September 1897.)

In all cases under Government Resolution No 7114, dated 27th September 1897, in which teak is sold standing, whether to occupants or to others, it should be made an express condition of the sale that the trees must be removed by a certain date fixed by the Forest Department, all trees in the survey number after that date remaining the property of Government, whether felled or standing. (Government Resolution No 460 of 20th January 1898)

The Forest Department should cut and remove for sale the teak standing in occupied varkas land or, when such a course is found preferable, should sell it standing on condition of immediate removal, and that 20 per cent of the net proceeds of the sale should be paid to the occupant

The percentage should be a gift from Government and subject to no tribunal, and that in case the Collector is unable to settle summarily to his own satisfaction any disputes as to who is the occupant of any particular survey number, the percentage share on that number should be credited, not to any of the disputants, but to the Taluka Local Board, for expenditure in the village to which the survey number belongs. (Government Resolution No 3871 of 11th May 1905.)

I.—Rules applicable to all trees.

1. All trees are reserved to Government.
2. Fruits, flowers, dead wood and fallen leaves are conceded to the occupant for the time being.
3. Injaili trees not useful for tahal or fruit may be cut down or lopped for fuel with the permission of a Mamlatdar or superior officer.
4. No other trees may be cut down or lopped for any purpose whatever except under the orders of a Collector or Prant Officer.

Rules as
to trees
and
bushes in
lands
assigned
for culti-
vation
in wood
lands in
the Than
District

II.—Rules applicable to teak, blackwood and tivas trees

5. The standing trees are not to be touched at all. They are entirely reserved to Government and may not be lopped for tahal.
6. When the standing trees have been cut down and sold by Government the occupant will be permitted to do what he likes with all the new shoots except two from each stool which will be permanently reserved by Government but will be offered when mature for cutting to the occupant at half price for immediate removal

III.—Rules applicable to fruit trees.

7. Fruit trees of whatever size may not be lopped for any purpose whatever but when matured may with the Collector's permission be sold to the then occupant at half price for immediate removal

IV.—Rules applicable to other injaili trees 10 feet high or higher.

8. These may be lopped for tahal, subject to the following rules:—

(a) The leading shoot must be permanently preserved along with all shoots from the topmost one third of the main stem.

(b) Tani tahal (shoots that have taken less than two years to grow) may not be touched: only *pacchi* tahal (shoots that have taken two years or more to grow) may be lopped off.

V.—Rule applicable to injaili trees less than 10 feet high and to bushes that grow into trees, such as kuda, Petan, etc.

9. The best shoot in each clump is to be left untouched till it reaches the height of 10 feet, but all shoots from the ground, within a yard of the stem of the untouched tree may be cut down to the ground.

VI —Rule applicable to bushes that do not grow into good trees, such as Karand, Ulshi, Phangli, Dharti, Nurgudi.

10 The occupant may do what he likes with these

(Government Resolution No 5033, dated 22nd July 1902)

Note —Read article 149.

Regarding the right to trees in occupied lands in the Thana District, it is declared that in all occupied lands, whether classed as rice, garden, rabi, or varkas, in that district, as in Kolaba, the right to all royalty trees, viz : teak, blackwood and sandalwood, and in the talukas* coming under the Sanjan and Kolvan Settlements, tivas vests in Government

As, however, it has been represented that it would cause hardship to occupants to enforce in its entirety the right which Government is of opinion is undoubtedly possesses, the Governor in Council is further pleased to rule that, as regards occupied rice, garden, or rabi lands, Government will, as an act of grace and favour, waive its rights to trees, whether reserved or unreserved, standing on such lands, and consequently no objection will be taken to occupants cutting down and disposing of all trees growing in such lands in such manner as they may see fit

But in varkas lands, the felling of teak, blackwood and sandalwood trees, and tivas where reserved, without the permission of the Collector of the district, is strictly forbidden. The conditions on which such permission may be granted, and the general regulations under which fellings and exportation beyond the limits of the talukas or districts concerned will be allowed, will be made known hereafter. As regards unreserved trees, claim should be made to them on varkas or other occupied lands. (Government Resolution No. 10087, dated 23rd December 1892)

The concession granted in the preceding paragraph applies only to occupants of lands which were outside the category of varkas at the date of the Resolution. Occupants of lands which up to the 22nd December 1892 were classified as varkas, but since that date have been classified as garden, rice, or rabi, cannot be held entitled to the concession. This fact should be carefully noted by the Survey Department in the village registers against each survey number, and at

*Vada, Shahapur (including Mokhada Petha), Dahanu (excluding Umbergaon Petha) and part of Mahim.

the introduction of the rates should be carefully explained to the occupants concerned, who should at the same time be reminded of the orders contained in paragraph 4 of Government Resolution No 6908 of 26th September 1893. Lists of the numbers, to which the present orders apply, should be sent to the Forest Department, which should be instructed, when carrying out the orders contained in the last-cited Resolution in any taluka, to give precedence to such numbers in disposing of Government trees. (Government Resolution No 7276, dated 15th November 1898.)

2. *Kolaba District*.—With regard to the Joint Rules, the authors of the joint report wrote:—"We wish it to be understood that they should be considered applicable only to the Collectorates above the ghats." There are on record repeated rulings of Government and of high Officers of Government that the rules of the joint report were not applied to the Konkan. The Hon'ble Judges in Pendse's case observed that "the understanding of all Revenue Officers and of the Government itself has always been that the survey rules in regard to trees were never made applicable to the Konkan." In accordance with the advice of the Legal Remembrancer, it is held that Rule 10 of the Joint Rules was never legally introduced into Kolaba. (Government Resolution No. 3998, dated 4th June 1886.)

Report No. 590 of 1886, dated Poona, 11th May 1886

The present law as to trees in occupied lands is contained in Section 40 of the Land Revenue Code. The first paragraph of that section applies to villages of which the original survey settlement was completed before the passing of the Code and it divides such villages into two classes, namely, (1) those in which the settlement was completed after the passing of Bombay Act I of 1865 and (2) those in which the settlement was completed before the passing of that Act. In the former the right of Government to *all* trees in unalienated land is to be deemed to have been conceded to the occupant, except reserved trees; in the latter the same rule applies, but the right of Government to teak, blackwood or sandalwood trees is "not to be deemed to have been conceded, except by clear and express words to that effect."

2. In carrying out the order contained in Government Resolution No. 3906 of 22nd May 1883, whether in the Kolaba or any other district, the officer entrusted with the duty will, therefore, have to ascertain whether any trees have been reserved and, in the case of villages of which the

survey settlement was completed before the passing of Bombay Act I of 1865, will have to hold that teak, blackwood and sandalwood trees were reserved, unless a clear and express order is forthcoming conceding the right of Government to them.

3 The reservation of trees may have been made (*vide* Section 40 of the Land Revenue Code) either by Government or by a Survey Officer and in one or other of the following ways (*viz.*) :—

(1) by express order made at or about the time of the settlement,

(2) under a rule or general order in force at the time of the settlement;

(3) by notification made and published at, or at any time after, such settlement.

4. Orders for the reservation of trees made by Captain Francis, Superintendent of Survey, at or about the time of the introduction of the survey into a taluka would come under the first of these heads, if such orders were valid, *i.e.*, if they were not contrary to any rule or order of Government in force at the same time

5. No. 10 of the Joint Rules was *prima facie* intended to declare the extent to which rights to trees were conceded by Government to holders of "Government fields," but it may also be regarded as a rule which falls under the second head specified in paragraph 3, inasmuch as its effect was to reserve the right of Government to all the trees in unalienated land if the holder of the land had not been in uninterrupted occupancy of the land for 20 years, or from a period anterior to the age of the trees, or if he had not purchased the trees under No 2 of the Joint Rules.

6 There exists a difference of opinion as to the intention of the above Rule 10. Mr Sinclair and some other officers regard it as having laid down a kind of prescription, so that if at any time after the introduction of the survey into a village, a holder of unalienated land completed 20 years of occupancy of his land the trees then growing therein became

*"X Proprietors of inam, judi and miras lands having possession of the same have the right of cutting down or otherwise disposing of all trees growing therein, and also holders of Government fields of which they have been in uninterrupted occupancy from a period anterior to the age of the trees, or for a period of twenty years, or who have purchased the trees under the provisions of Rule 2"

his property. From the information supplied by the Commissioner, C. D., with his memorandum to Government No. 918 of 1st March 1886, it seems that this is the view which has been acted on in the Ahmednagar District. Mr. Cooke says the same of the Satara District, but, as regards the talukas of that district, which have been transferred to the Sholapur District, this is shown by Mr. Loch not to be correct. The latter gentleman states that in these talukas "lists were made at the time of the survey and signed by the Superintendent of the Survey, showing what trees were considered to be private property and what Government property" and that "those then entered as Government property are still considered to belong to Government, though more than twenty years have elapsed." In the Poona, Khandesh and Sholapur Districts the twenty years in the Joint Rule 10 are stated to have been taken to mean twenty years prior to the passing of the joint rules or prior to the introduction of a survey settlement, which is the view of the intention of the rule supported by the Commissioner, S. D.

7. From the replies received to the Government Circular No. 5070 of 20th December 1865, asking for a statement of the "rules actually in force regarding the right of the occupant to cut trees growing on land held under the survey," it appears that in the Districts of Kaladgi, Ahmednagar, Belgaum and Poona, the twenty years' rule was then understood as a prescriptive rule of which occupants could claim the benefit at any time. For the districts of Satara, Dharwar and Sholapur the information given in the above replies on this point is not specific.

8. Interpreting the Joint Rule No. 10 judicially, I am of opinion that its intention was to admit an occupant's right to the trees in his holding if he could at any time establish 20 years' continuous occupancy. I am led to this conclusion by the fact that the joint rules were not rules for the guidance of survey officers when making a survey settlement, but were rules for "the future administration of the survey settlements" (*vide* paragraph 81 of the Joint Report) i. e., for the guidance of the Collector and his subordinates in determining questions of right and of administration after the Survey Department had done its work. Moreover the provision as to occupancy "from a period anterior to the age of the trees" occurring in the same Rule (No. 10) seems obviously to have been intended to apply to future as well as past occupancy, and there is no distinction made

in the applicability of this provision and of the 20 years' provision.

9. Section 40 of Bombay Act I of 1865 did not affect the Joint Rule 10. It merely provided that in settlements made after the passing of that Act permission to occupy land which had been hitherto unoccupied should be deemed to carry with it a concession of the right of Government to all trees growing on that land which were not then specially reserved. This was a modification of Joint Rule No. 2, but did not touch Joint Rule No 10.

10. In my opinion, therefore, Joint Rule No. 10 is applicable to all lands included in any survey settlement introduced at a time when, and in a district in which, that rule was in force. The rule seems to have been superseded eventually by rules framed under Bombay Act I of 1865. I am not aware of the exact date of its abrogation:

11. But the rule did not, "by clear and express term to that effect" concede the right of Government to teak, blackwood and sandalwood trees and therefore, under Section 40 of the Land Revenue Code, it cannot be held to have conceded the Government right to trees of those descriptions in any lands of which the survey settlement was completed before the 21st January 1865, the date on which Bombay Act I of 1865 became law. In lands of which the survey settlement was completed after the above date, the right of Government to teak, blackwood and sandalwood trees must be held to have been conceded wherever the Joint Rule No 10 was in force, unless it can be shown that such right was reserved in any of the ways specified in paragraph 3.

12. There still remains the much-contested point whether the joint rules were or were not introduced into the Konkan. In *Pendse's* case this question was the subject of very careful consideration as regards the Khalapur Peta of the Nasrapur Taluka, the first portion of the Thana District which was surveyed, and the High Court (Melvil and Kimball, JJ), after stating the evidence *pro.* and *con.* escaped the necessity of coming to any definite conclusion by holding that "either Rule X of the joint rules was not legally introduced at all, or it was introduced subject to a modification made in it by Captain Francis," which would bar the plaintiff's right to "the particular trees which he complained that he had been prohibited from cutting." The Court however admitted "that the understanding of all Revenue officers and of the Government itself has always been that the survey

rules in regard to trees were never made applicable to the Konkani." In the absence, therefore, of any order of Government extending the joint rules to the Kolaba District, it will, I think, be the wisest course for Government to hold that they were not, or at any rate that Joint Rule 10 was never legally introduced into that District. No doubt there are several unauthorised proceedings and orders of Captain Francis which tend to the conclusion that he proposed to set the rules, or some of them in force, either with or without modification, but unless the point is, in respect of any portion of the district, judicially determined against them, I would not advise Government to admit that they are bound by any of those proceedings or orders.

13 The provision of section 40 of the Land Revenue Code concerning teak, blackwood and sandalwood trees seems however to deprive the question whether Joint Rule No. X was or was not extended to the Konkans of all practical importance as regards lands of which the survey settlement was completed before the passing of Bombay Act I of 1865.

14. Government Resolution No. 1240 of 28th March 1868 conceding trees on dhára land, was restricted by Government Resolution No. 2095 of 27th May 1868 to dhára land in those portions of the Ratnágiri and Kolaba Districts to which Dunlop's proclamation of 1824 applied. The original order was passed in consequence of an adverse decision of the District Court Ratnagiri, which held that dhárekars have a proprietary right in their lands. Dunlop's proclamation of 1824 admittedly applied to owners of land and therefore wherever it was promulgated Government had clearly renounced all future claim to trees on dhára land. But if it be true that dhárekars, like mirásdárs, are proprietors of their lands, the right to the trees follows the right to the soil and the trees must be deemed to belong to them, whether Dunlop's proclamation applies to them or not.

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J. R. NAYLOR,

Remembrancer of Legal Affairs.

- The orders in Government Resolution No. 7114 of 27th September 1897 should not be applied to the Kolaba District. (Government Resolution No. 6922, dated 5th November 1900.)

The following proceeding of the Collector of Kolaba is affirmed —

“ When there has been a felling by Government previous to the introduction of Rule 98-A (see present rule 63) of the rules under the Land Revenue Code, the Government trees are those which, for some reason have escaped that felling, and are usually few and mixed up with second growth belonging to the occupants.

“ In these cases the Collector has hitherto been selling on his own authority, and giving receipts purporting to be for a sale of all rights in the tree (Government Resolution No 9211, dated 6th December 1889.)

The after-growth of trees, even when more than 50 to the acre, should be conceded on all the lands, except those which are proposed to be acquired, when occasion offers, for forests. Sanction is accordingly accorded to the sale of teak on such lands on these conditions (Government Resolution No 10661, dated 9th November 1906)

As regards the disposal of rights to trees in occupied lands in the Kolaba District, it is declared that, while Government possesses the right to all royalty trees, *viz*, teak, blackwood and sandalwood, in all occupied lands in this district, whether such lands are classed as rice, garden, rabi, or varkas, it, for the future, as an act of grace and favour, waives that right so far as trees of any kind, whether reserved or unreserved, in occupied rice, garden, and rabi lands are concerned, and occupants will be at liberty to dispose of them as they please. But as regards teak, blackwood and sandalwood in varkas lands, the orders given in the same Resolution concerning such trees in varkas lands in Thana are to be strictly applied in the Kolaba District also (Government Resolution No 10087, dated 23rd December 1892.)

In the Thana and Kolaba Districts rules for the cutting of tahal in Protected Forests, under the privilege granted to the inhabitants of forest villages, were framed in 1897, and it has been found by the experience in the Thana District that when the people have been thoroughly instructed in the rules, and demonstrations have been given of the application of them, very great benefit may result. A few years of scientific lopping for tahal in accordance with the rules keep the land well-clothed with tahal producing trees, instead of leaving it denuded of such growth. In respect of Protected Forests Government have more than once

directed that demonstrations of Thana methods should be given in Kolaba, and that Kolaba Officers should be sent to Thana to study them on the spot. The Governor in Council desires that similar action should be taken in respect of occupied lands. The Collector of Kolaba should arrange for his Sub-Divisional, Taluka and Circle Officers to make themselves thoroughly conversant with the rules for Protected Forests, which have been revised* and with the practical application of the rules as worked in the Thana District. Instructions, with demonstrations, should then be given by these officers to the khots of khoti villages, to their tenants, and to the occupants and actual occupiers of ordinary Government lands, with special reference to Nos 1 (a), 4, 5 and 6 of the rules. Care should be taken to explain that the permission of revenue officers required by the proviso to rule 5 and by rule 6 in the case of Protected Forests is not requisite in the case of occupied lands, but that what is desired is that the landlord or superior holder should insist on his tenant or inferior holder observing the directions of the rules, and that the actual cultivators and the actual occupiers of varkas lands should themselves carry out the lopping for tahal of trees on those lands in accordance with those directions. The essential instructions are those in clauses (a) and (b) of rule 5. The benefits to be derived from such treatment of the tahal-producing and other trees should be fully explained; and a definite warning should be given that if the directions are not followed, the privilege of lopping for tahal in Government Forests will be withdrawn, or the privilege of grazing in Government Forests will be subjected to payment of enhanced fees or, if thought necessary, both these measures will be taken. Record should be kept of the instructions and demonstrations, accompanied by the warning, having been given, and the patil and the talati in ordinary Government villages and the khot in khoti villages should be supplied with a copy of the record. The Governor in Council hopes that if the instructions and demonstrations are given in a sympathetic manner and the co-operation of the people is cordially invited, the necessity may be avoided of giving effect to the penalties indicated in the warning. Should, however, such occasion arise, the penalties should be enforced. Talatis in ordinary Government villages and in all villages the Circle Inspectors and the superior

* Possibility and the propriety of taking steps to encourage the conservation of trees in occupied lands in the Kolaba District

Taluka and Sub-Divisional Officers should be careful to inspect the treatment of the tree-growth in villages in which instructions and demonstrations have been given, and to report to the Collector cases in which sound methods of tahal-cutting have not been followed. In case of occupied lands situated in proximity to the beats and rounds of the Forest Guards and Round Guards, the officers of the Forest Department should also inspect and report to the Collector the extent to which the approved manner of lopping for tahal is adopted. The penalties for neglect should be imposed by order of the Collector only. The Collector is also authorized, in consultation with the Divisional Forest Officer, to reward occupants of villages where tahal is properly cut by remitting grazing fees in unclosed forests, and to give testimonials and presents—such as turbans or shawls—to khots, patels and other influential persons who promote scientific tahal cutting and the growth of trees in occupied lands. The Collector should also consider and report whether any further concessions could appropriately be given as an inducement to private owners and occupiers to preserve tree growth. The object in view is of such importance that even a reduction or omission of revenue might be justified, where exceptionally good result had been obtained. (Government Resolution No 11936 of 23rd November 1908.) (*Vide* Government Notification No 1929 of 23rd February 1909.)

The limits within which the rewards may be granted for the promotion of scientific tahal cutting and growth of trees in occupied lands under the above Resolution are —

Up to Rs. 20 in each case by the Conservator and the Collector,

Up to Rs 100 in each case by the Commissioner.

(Government Resolution No. 4911, dated 22nd May 1911.)

3 *Ratnagiri District*.—The following rules to regulate the lopping of reserved trees in varkas and cultivated land in the Ratnagiri District have been approved by Government and are to be enforced as far as possible:—

1. The following acts are prohibited.—

1. The lopping, pollarding, or injuring in any way of teak

2. The lopping of am and nana trees within ten feet of their summits,

3. The pollarding (*i. e.*, the cutting off of any portion of the leading shoots or stems) of *ain* and *nana*.

4. The lopping off of branches or portions of branches exceeding at the cut end six inches in circumference.

5. The burning of *rab* or other matter within a distance of eight feet of any reserved tree.

II. Subject to the abovementioned restrictions, it shall be lawful for cultivators to lop reserved trees on their *varkas* and cultivated lands for the purpose of manuring their own fields, but no such produce obtained free shall be used for barter or sale.

III Government reserves to itself the right to cancel the above rules and privileges at any time.*

It is directed with reference to the last clause of No. 98-A (see present rule 63) of the Rules under Section 214 of the Land Revenue Code that when land in the Ratnagiri District is held or hereafter given out for permanent cultivation as distinct from the supply of leaf manure or other materials for cultivation, the sale of trees on land so occupied will include alienation of right to the after-growth, unless the growth of trees on the land is needed for some public purpose. (Government Resolution No. 5381, dated 19th July 1897.)

4. *Konkan District*.—There is no question that the general policy of Government is, as the Legal Remembrancer represents, to withdraw all interference with the occupants of survey fields, and to leave the land to the cultivator with the use of all that grows upon it. But it is often necessary to make exceptions to a general rule and a variation of the standing orders in the case of *varkas* land, of which the circumstances are exceptional, is not a reversal of the general policy.

2. The necessity of treating *varkas* exceptionally has been established by facts, and is affirmed by officers of great local experience who are themselves among the advocates of the general policy of non-interference and whose advice the Governor in Council is unable to disregard.

3. It is proposed to make an exception to the general rule in the case of three districts only and in these districts only

* This last clause will not be necessary if the areas constituted protected forest.

(Government Resolution No. 5388, dated 2nd August 1890)

with regard to the peculiar kind of land classed as *varkas*. This land, though technically occupied, is really forest rather than cultivated land and should never have been brought within the scope of rules properly applicable to the latter. It is covered with valuable trees hitherto reserved, the destruction of which would cause a heavy loss to the State, and it is simply proposed to maintain the reservation, and manage the trees through the Forest Department for the benefit of the public revenues. There will be no stricter surveillance or greater interference on the part of the Forest Department than there has been in the past.

4. What is required is that in *varkas* lands the Forest Department shall not be bound to cut its reserved timber as soon as possible and to withdraw its interference which is the general rule, but should be empowered to manage the reserved trees, principally teak, to the best advantage, obtaining successive growths by coppicing, and exercising continuous control. In the special circumstances, of *varkas* lands this would not appear necessarily to involve annoyance to the occupants.

5. Rules 93—98 under the Land Revenue Code should accordingly now be declared not to be applicable to *varkas* lands in the Konkan, and for this purpose a special rule should be published as proposed by the Collector of Thana in paragraph 6 of his memorandum No. 2372, dated May 10th, 1882. The rule might be somewhat to the following effect:—"Rules 93—98 do not apply to *varkas* lands in the Konkan (Thana, Kolaba and Ratnagiri) the reserved trees in which shall be reserved as heretofore and be available for Government cuttings to be made by the Forest Department from time to time in consultation with the Collector. The purchase of trees or timber thus sold or cut by the Forest Department will confer no right to the after-growth of stumps of trees thus sold or cut, which after-growth is reserved equally with the trees, any orders to the contrary being cancelled as regards the Thana, Kolaba and Ratnagiri Collectorates from the date of the publication of this rule." (See present rule 63.) It will of course be understood that the new rule cannot affect retrospectively the rights of persons who have actually acquired a title to the after-growth under Resolution No. 2505, dated July 1st, 1868, or other orders. The restriction it imposes will be effective only in the case of all future sales. (Government Resolution No. 3462 of 5th May 1883.)

5. *Kanara District*.—It is the intention of the law to avoid interference with occupied lands as far as possible

2. 1 2 3 4 5 6

the village is situated. † † † †

* *

5. "*Hakkal*" cultivation is similar to "*Kumi*" cultivation, and land given out for that purpose used ordinarily to be given out for one year only. A person cultivating on

such terms has no right to the land or to the trees growing on such land, but if the land is given out on the survey tenure, the case is altered. The term "*Kushki*" is applied to high dry land, such as that on which cattle sheds are constructed. There seems to have been no custom of treating trees growing on such land differently from trees growing on other occupied land. * * No claim should be made on the part of Government to any trees growing on occupied land in surveyed villages which were not reserved by the general rules or by express order at the time of the settlement. Such an order reserving 18 kinds of trees in "*Hakkal*" and "*Kushki*" land appears to have been made for the first time in the settlements of 1881-82.

6. As regards the reservation to be made at future settlements, no distinction should be drawn between "*Hakkal*", "*Kushki*" and other land. As the survey settlement is introduced the terms become obsolete. There is no rigid line of distinction between "*Hakkal*" land which has been cleared for regular cultivation and other adjoining land, and there can ordinarily be no right of occupancy in land, which has not been cleared for regular cultivation. "*Honi*" and "*Mali*" which are timber trees of considerable value should, however, be reserved at future settlements in Kanara along with the classes of trees specified in No. 91 (present rules 58 and 59) of the rules under Section 214 of the land Revenue Code on all lands in occupation at the time of settlement. Lands on which trees are growing, but which are not required for forest, may be assessed, and when they are given out for cultivation, all trees of value should be reserved or sold to the person applying for the land.

7. The Forest Department being the recognised guardians of the Government property in forests and tree-clad lands, all description of trees reserved at the time of the survey settlement, whether in "*hakkal*" or other lands, should be formally placed in charge of the Forest Officers. But it should be understood that such trees should be removed with the least possible delay, it being clearly inequitable that a person paying assessment for land should be prevented from cultivating any part of it by delay in removing Government trees.

8. The instructions above given do not apply to "*betta*" lands, which under the orders contained in Government Resolution No. 3906, dated 22nd May 1883, are exempted from the operations of Rule 93 (present rule 60) under

section 214 of the Land Revenue Code. These lands are also called "*kumaki*" or auxiliary lands, because they were held along with cultivated lands for the purpose of supply of ash-manure, materials for fencing, etc. These lands have not been cleared for cultivation and at future settlements the right of Government to all trees growing on them should be reserved. When an application is made to clear such lands for cultivation, the orders given regarding other lands on which trees stand should be applied. (Government Resolution No. 1518, dated 18th February 1884)

Honi and Matti trees reserved under rule 91 (present rules 58 and 59) in Kanara are to be considered as at the disposal of the Forest Department under rule 93 (now rule 60). Government Resolution No. 1053, dated 4th February 1885.)

6. *Nasik District*—It is directed with reference to the last clause of No. 98-A (see present rule 63) of the rules under section 214 of the Land Revenue Code that when land in the Dindori Taluka of the Nasik District is held or hereafter given out for permanent cultivation as distinct from the supply of leaf manure or other materials for cultivation, the sale of trees on land so occupied will include alienation of right to the after-growth, unless the growth of trees on the land is needed for some public purpose. (Government Resolution No. 5384, dated 19th July 1897)

Under the last paragraph of rule 98-A of the rules under section 214 of the Land Revenue Code, the right of Government to the after-growth of all kinds of trees, except teak, tivas and blackwood, is conceded to the survey occupants in the Peint Taluka (Government Resolution No. 2420, dated 27th March 1897.)

The teak in rab numbers in the Peint Taluka should be disposed of by auction simultaneously with the teak in malki numbers. The disposal of the after-growth may be left with the Revenue Department for the agricultural and domestic uses of the villagers, to be cut by permission at a valuation but not to be sold or transported out of the village, as sanctioned in Government Resolution No. 7114, dated 27th September 1897, for the Thana woodlands. A dual control in rab numbers is certain to entail harassment of the cultivator, and is not much more easily justifiable than in occupied numbers. (Government Resolution No. 5865 of 1st June 1906.)

7. *Panch Mahals District.*—The following 14 trees should be reserved in the Panch Mahals not only at the survey but in anticipation of that survey.—

1	Teak	6	Mhowia	11	Jambul
2	Blackwood	7	Kullum	12	Tamarind.
3	Bhia	8	Haladarwa	13	Hirda
4	Rohan.	9	Mango	14	Dhaura.
5.	Ebony	10.	Ryan		

All other trees may for the present be left to the people for bona fide domestic purposes, but not for sale. It will be the duty of the Collector and the Forest Officer to see that this concession is not abused and to apply for sanction to add other trees to the reserved trees wherever the progress of cultivation and population threatens to denude the country of trees.

It is not intended by including mango, mhowra, ryan, hirda, dhaura and other fruit trees in the reserved list to interfere with the right of the Bhils to collect the fruit and flowers of these trees in the manner to which they have been accustomed (Government Resolution No 3203, dated 21st June 1880.)

The Collector of the Panch Mahals should jealously preserve the right of Government not only to the 14 kinds of trees mentioned in the preceding paragraph but to *all* trees in Government waste land where they are insufficient numbers to make it profitable to take up the land under the survey rules in order to secure the trees. Where this is the case they will be at once cut down and sold to the railway for firewood and the land will then be relinquished. The Collector should take care to prevent this abuse. (Government Resolution No. 1542, dated 16th March 1881.)

In the Panch Mahals the trees reserved by notification at the time of the survey were those in rule 91 (see present rules 58 and 59) under the Land Revenue Code, the specifically reserved trees being teak, blackwood and sandalwood only.

Resolution No. 3203, dated June 21st, 1880, can, therefore, apply only to numbers which were waste on that date. In the Kalol disforested lands the trees specified in this Resolution were reserved.

With regard to waste numbers hereafter to be given for cultivation, all the instructions necessary for the disposal

of the reserved trees are contained in Rules 94 and 95 under the Land Revenue Code

As long as the lands remain unoccupied waste, the reserved trees are to be considered to be at the disposal of the Forest Department and the proceeds should be credited to the Forest Revenue. (Government Resolution No. 7256, dated 8th September 1885.)

8. *Ahmednagar District.*—There is no doubt that Joint Rule X was applied throughout the Ahmednagar District as constituted in 1850 to such places as had been brought under survey settlement. But in paragraph 11 of the report of the Remembrancer of Legal Affairs circulated with Government Resolution No. 3998, dated 4th June 1886, it was pointed out that the rule did not “by clear and express terms” concede the right of Government to teak, blackwood and sandalwood trees and that, therefore, under section 40 of the Land Revenue Code it cannot be held to have conceded the Government right to trees of these descriptions in any lands of which the survey settlement was completed before 21st January 1865. That view was by implication accepted by Government ten years ago and the Governor in Council sees no sufficient reason for now receding from it. (Government Resolution No. 4005, dated 19th May 1896.)

9. *Poona District.*—With reference to No. 98-B (now rule 63) of the rules under section 214 of the Land Revenue Code, it is directed that when the teak trees growing in occupied lands lying outside the sanctioned forest demarcation limits of the Haveli, Parandbar and Junnar talukas and the Ambegaon Petha of the Poona District have been sold to the occupants or otherwise disposed of by the Forest Department, the right to the after-growth from the roots or stumps of the trees when cut shall vest in the occupants of the lands concerned and not in Government. (Government Resolution No. 5134, dated 1st July 1896.)

10. *Sandalwood trees in Dharwar and Kanara District.*—Memorandum from the Remembrancer of Legal Affairs, No. 3193, dated 30th December 1911, on the question of the ownership of sandalwood trees in village sites in Kanara:—

“1. * * * * *

“2. The first question for consideration is whether the village sites are alienated land, as defined in section 3 (19) of the Land Revenue Code. The answer to this question is that they are certainly not alienated land. The subject

is discussed at length in the opinion of the Remembrancer of Legal Affairs printed in the preamble of Government Resolution in the Revenue Department, No 4344 of 18th June 1886, and in paragraphs 9 to 11 of that opinion the distinction is brought out between village sites and sites in towns and villages which have been surveyed under the City Survey Act (Bom IV of 1868), *vide* sections 127 and 128 of the Land Revenue Code Government Resolution in the Revenue Department No. 7097,* dated the 20th September 1889, therefore, is not applicable to the village sites in question. Similarly Government Resolution in the Revenue Department No 2113,† dated 24th March 1898 (mentioned at page 467 of Sathe's Land Revenue Code), is a special order referring only to compounds of bungalows

“ 3 Accordingly paragraph 3 of section 40 will apply when a survey settlement is introduced for the village sites, and then the trees in question can be especially reserved by notification. But until a settlement is introduced section 40 will not be applicable, and in that case section 41 will apply. It is there laid down that the ‘ right to all trees, brushwood, jungle or other natural product wherever growing except in so far as the same may be the property of individuals, etc., shall be disposed of by Government’. Here the trees are not the property of individuals, because, as above observed, the land is not alienated. The trees are therefore the property of Government unless the ownership of them has been specifically alienated.”

+ * * * *

*Rules for the exploitation of sandalwood trees in the Dharwar
and Kanara Districts*

1. (i) All inamdars and proprietors of gavthans who, by the terms of their sanads or by judicial decision, are entitled to the timber and sandalwood in their lands may fell and sell without previous reference any such timber excepting sandalwood.

(ii) The Conservator of Forests may cause any sandalwood growing in such lands to be cut and sold on behalf of the inamdars or proprietors under such rules as may, from time to time, be made by Government.

* *vide* article 229

† *vide* article 225

2. Inamdars and proprietors of gavthans who are not entitled by sanad or by judicial decision to the timber and sandalwood growing on their lands may cut and sell all wood with the exception of teak and sandal growing on such lands.

3. All sandal trees in the Dharwar and Kanara Districts shall be the exclusive property of Government unless the same be situated in an area in which the Government may have expressly alienated its right to sandalwood.

4. (i) Every occupant or holder of land shall be responsible for the due preservation of sandal trees growing thereon and shall, in the event of an injury to any such tree from whatever cause, at once report such fact to the nearest local Revenue officer.

(ii) Any occupant or holder of land who fails to report any such case of injury as aforesaid, or to prove to the satisfaction of the Collector that such injury was not caused either by his own act or by any neglect or default on his part, or by any other person at his instigation, or with his connivance, shall, notwithstanding any other penalty to which he may be liable to pay to Government such compensation on account of such injury as to such Revenue officer may seem reasonable.

5. In any case of a forest offence having reference to the cutting, uprooting or removal of or damage to a sandal tree or part of a sandal tree belonging to Government the maximum penalty to which the offender is liable shall be doubled.

6. No person shall manufacture or distil oil from sandalwood without a license in that behalf to be granted by such authority and subject to such restrictions and conditions as the Government may from time to time prescribe. (Government Resolution No. 1442, dated 10th February 1912.)

11. *West Khandesh District*.—All trees in revenue assessed waste lands in West Nandurbar and Nawapur are placed at the disposal of the Forest Department, under rule 93* (1), under section 214 of the Land Revenue Code. (Government Resolution No. 3823 of 7th April 1916.)

12. *Sind Circle*.—Rules regarding the disposal of wood in Government waste lands, which have been in force in the Karachi District since 1897, were introduced with suitable modification, where necessary, in other districts in 1904.

* *I'ide* present rule 60.

Circular of the Collector of Karachi, No 7921, dated 25th September 1897 —

Rules as to sale of wood in Revenue lands.

1. No sale of wood or the right to cut wood in Government land should be sanctioned until a rough estimate of its value and quantity has been made and reported.

2. No such estimate should be made by any Officer lower in rank than a Supervising Tapedar.

3. Should the valuation of a Supervising Tapedar exceed Rs. 10, the Mukhtyarkar should, before recommending the sale, visit the land and make his own estimate

4. Should the area of which it is proposed to sell the wood exceed 10 acres or the estimated value of the wood exceed Rs. 50, the Assistant Collector, before sanctioning the sale, should ask the advice of the Divisional Forest Officer as to its value and extent. In case of any material difference of opinion between the Divisional Forest Officer and the Assistant Collector as to the advisability of selling the wood or its sale, the Assistant Collector should refer the papers to the Collector.

Circular of the Collector of Karachi No. K—26, dated 22nd January 1903 :—

The provisions of Circular No 7921, dated the 25th September 1897, are inadequate to fully protect the interests of Government when the sale of large areas of jungle is in question and the following should be added after paragraph 4 of that circular —

5. Except in cases in which wood is required for Government or Local Fund purposes, in which cases existing rules hold good, no proposals for cutting or clearing areas in any one village or in adjoining villages, whether comprised in one survey number or in general, *which areas total not less than 50 acres*, shall be disposed of until a reference has been made by the ^{Assistant}_{Deputy} Collector to the Divisional Forest Officer.

6. In such cases the Divisional Forest Officer shall be asked to state the value of the jungle concerned. If the clearance of the land is required in order that the area may be brought under cultivation, the Divisional Forest Officer shall be given the option of clearing the land within such

period as will permit of the land being cultivated during the season for which the applicant has applied for it, at the price estimated by himself or at that offered by the applicant for land, whichever is greater, or of declining it in favour of the applicant. If the land is not required for cultivation and a bid is made for the jungle by a contractor or other speculator, it should not be sold to him unless the Divisional Forest Officer states that it will not be of use to his Department within the next two years, before the end of which period he will be prepared to find a purchaser for it or to cut it and credit annual proceeds to the Revenue Department.

If the land is not required for cultivation and an application is made for the jungle by a resident of the village who requires it for some bona fide village or domestic or agricultural purposes, no reference need be made to the Divisional Forest Officer except as to the value of the jungle.

7. The value of all wood taken over by the Forest Department, under these rules, will be credited as before to the Revenue Department (Government Resolution No. 7740 of 30th July 1908.) For orders regarding rights to trees on the banks of Government and private canals and karias in Sind, see circular No. 39 printed at page 343 of the Revised Manual of the Commissioner in Sind's Special Circulars, 1917.

APPENDIX III.

[Article III.]

The Forest Settlements sanctioned in the Bombay Presidency including Sind

District.	Taluka or Petha	Name of officer who made the settlement	Government Resolution sanctioning the settlement	Remarks
Panch Mahals	Godhra	Northern Circle		
	Kalol	Mr Morrison	No 2491—dated 31st March 1886	
	Udaol	Do.	No 2820—dated 7th May 1887	
		Do.	No 2368—dated 20th April 1887, and No 6051—dated 25th August 1890	
Surat	Dahad and Zhalod	Mr E. W. Macdonochie	No 1907—dated 7th June 1894	
	Balar-Chukhli		No 2025—dated 3th May 1898	
	Vandvi	Mr A. L. M. Wood	No 6145—dated 31st August 1889, No 7129—dated 9th October 1901, and No 4064—dated 14th July 1903	
	Dangs	" A. Lucas	No 5977—dated 22nd July 1892, and No 9207—dated 15th December 1893	
Thana	Salsete	" L. M. Hodgson	No 8057—dated 8th December 1902, and No 1265—dated 2nd May 1911	Original Supplementary.
	Bassein	" Lawrence	No 2988—dated 9th April 1884	Original.
		Do	No 2831—dated 8th April 1885	Supplementary
	Bharwandi		No 5919—dated 22nd July 1885	Original
		Mr Lawrence	No 5177—dated 1st August 1888	Supplementary.
			No 3251—dated 1st July 1884	Original
	Kalyan	" Atkins	No 4719—dated 1st June 1885	Supplementary.
	Mokhada	Do	No 8900—dated 20th December 1886	Supplementary.
			No 3531—dated 4th May 1885	Original
	Wadi	Mr Owen	No 7001—dated 2nd October 1886 No 7350—dated 1st October 1901	Supplementary. Original

Shahapur and Khardi	..	..	..	..	No. 5935—dated 16th September 1898	
Murbad	..	..	..	..	No. 5072—dated 6th July 1897.	
Matham	..	..	..	..	No. 4507—dated 24th May 1891.	
Dahann including Um- bergaon Petha	..	..	..	..	No. 1019—dated 18th May 1894, and	
Nasik taluka	..	..	..	..	No. 1034—dated 1st July 1897.	
Chandwad taluka	..	..	..	..	No. 2197—dated 16th March 1883	
..	..	..	..	..	No. 2874—dated 9th May 1887	Original Revised.
..	..	..	..	..	No. 8832—dated 1st February 1883	Original.
..	..	..	..	..	No. 6149—dated 8th August 1885	Revised.
..	..	..	..	..	No. 2392—dated 26th March 1885	Original
..	..	..	..	..	No. 6292—dated 3rd August 1885	Revised.
..	..	..	..	..	No. 909—dated 4th February 1886.	
..	..	..	..	..	No. 63—dated 5th January 1888.	
..	..	..	..	..	No. 2701—dated 1st May 1888.	
..	..	..	..	..	No. 3758—dated 11th July 1884	Original.
..	..	..	..	..	No. 3272—dated 26th May 1887	Revised
..	..	..	..	..	No. 1181—dated 26th May 1885, and	
..	..	..	..	..	No. 8726—dated 13th November 1883.	
..	..	..	..	..	No. 8375—dated 13th November 1883	
..	..	..	..	..	No. 5224—dated 5th August 1882	
..	..	..	..	..	No. 1775—dated 5th March 1886	
..	..	..	..	..	No. 7211—dated 11th October 1886	
..	..	..	..	..	No. 7826—dated 15th November 1887.	
..	..	..	..	..	No. 3958—dated 13th May 1885	Original.
..	..	..	..	..	No. 2964—dated 19th April 1886	Revised
..	..	..	..	..	No. 3146—dated 13th May 1882	Original
..	..	..	..	..	No. 1007—dated 4th March 1884	Revised.
..	..	..	..	..	No. 1560—dated 6th August 1881	
..	..	..	..	..	No. 1111—dated 9th February 1883.	
..	..	..	..	..	No. 3770—dated 11th June 1888	
..	..	..	..	..	No. 5043—dated 1st August 1887.	
..	..	..	..	..	No. 1327—dated 10th February 1889.	
..	..	..	..	..	No. 9143—dated 13th December 1883.	

District.	Taluka or Petha	Name of officer who made the settlement	Government Resolution sanctioning the settlement	Remarks
Poona	Jhond Indapur.	Mr Winter	No 2649—dated 28th March 1885	Revised
	Do	" Steward	No 7257—dated 18th October 1882	
	Sirr	" Gibb	No 8498—dated 9th December 1891	Supplementary
	Junnar	" Vidal	No 1683—dated 23rd February 1884	
		Mr Winter and Mr Steward	No 1645—dated 1st March 1885	
	Do	" Steward	No 4820—dated 20th July 1888	
	Ambeegaon	" Silcock	No 2102—dated 12th March 1885	
	Malaha	" Vidal and Mr Steward	No 2267—dated 15th March 1884	
	Purandar	" Vidal	No 3780—dated 11th May 1885	
	Naval	" Steward and Mr Campbell	No 3001—dated 8th May 1882	
	Khed	" Johns and Mr Welinger	No 1940—dated 26th March 1877	
	Sanganner	" Woodburn	No 7030—dated 9th November 1887, and No 8494—dated 14th December 1887	
Ahmednagar district	Rajur and Akola	Do	No. 5791—dated 31st August 1887.	
Satara	Javh taluka	Mr Muir-Mackenzie	No 2517—dated 22nd March 1884	
	Mahabaleshwar village	" Vaidya	No 6899—dated 16th October 1888	
	Malcompoth with 5 mile ring	" Muir-Mackenzie	No 188—dated 9th January 1884	
	Karad taluka	Do	No 3858—dated 20th July 1885	
	Khannapur taluka	Do	No 6493—dated 27th September 1887	
	Khatav	Do	No 210—dated 11th January 1888	
	Koregaon	Do	No 1306—dated 12th February 1885	
	Man	Do	No 779—dated 29th January 1885	
	Patan and 7 villages in Walra taluka	Do	No 1891—dated 15th July 1890	
	Satara	Mr Shewan and Mr Muir Mackenzie.	No 9288—dated 17th December 1887.	

	Talegaon	Mr. Mur Mackenzio	No. 5111—dated 5th August 1887.
	Wai	Do.	No. 1253—dated 9th February 1884.
	Khandala	Do.	No. 2340—dated 24th March 1884.
	Walea taluka	Do.	No. 7348—dated 5th November 1888.
	Shruala Petha		
Kolaba	Alibag	Mr Sinclair	No. 9887—dated 9th December 1883.
	Pen	Do.	No. 6223—dated 2nd September 1890.
	Pauvel	Do.	No. 6351—dated 6th August 1883.
	Karjat	Mr. Lawrence	No. 8018—dated 10th October 1884.
	Roha	Hamilton	No. 4214—dated 4th June 1883.
	Mangaon	" Sinclair	No. 1342—dated 3rd March 1887.
	Mahad	Do.	No. 1340—dated 3rd March 1887.
West Khandesh Dis-		Mr. C G. Dodgson	No. 2101—dated 19th April 1893
trict.			
	Shahada	" H. T. Ommannoy	No. 2160—dated 15th March 1883.
	Taloda	" C G. Dodgson	No. 6466—dated 2nd September 1889.
	Shurpur	" H. F. Woodburn	No. 3558—dated 31st May 1882
	Dhulia	" C. G. Dodgson	No. 9620—dated 20th December 1889
	Sindkheda	Do.	No. 7751—dated 30th September 1892.
	Nandurbar	Do.	No. 9587—dated 6th December 1892.
	Pimpalner including Sakri.	Do.	No. 5601—dated 24th July 1891, and
			No. 6021—dated 21st August 1892
	Navapur	Do	No. 7451—dated 9th November 1888, and
East			No. 6793—dated 23rd August 1892
Khandesh	Amalner taluka	Dr J Pollen and	No. 3281—dated 8th June 1891, and
Dahat.		Mr Lamb.	
			No. 7351—dated 25th October 1886.
	Bhadgaon Petha	Do.	No. 3281—dated 8th June 1891
	Bhusaval Taluka	Do and Mr. Ommannoy	No. 3281—dated 8th June 1891, and
			No. 7592—dated 19th September 1895
	Chalisgaon Taluka	Do and Mr. C G. Dodgson	No. 3221—dated 8th June 1891, and
			No. 5221—dated 20th July 1889.
	Chopda	Dr. Pollen	No. 3281—dated 8th June 1891
	Edlabad Petha	Do and Mr. Ommannoy	No. 3281—dated 8th June 1891, and
			No. 7592—dated 19th September 1885
			No. 3281—dated 6th August 1891, and
	Erandol	Do, and Mr. Lamb	No. 7633—dated 25th October 1886.

District	Taluka or Petha	Name of officer who made the settlement	Government Resolution sanctioning the settlement	Remarks
East District	Khondosh Jalgaon	Mr R A. Lamb	No. 7105—dated 6th October 1890	
"	Jamner	Dr. J Pollen and Mr. Lamb	No 3281—dated 8th June 1881, and	
"	Pachora	Do and Mr Lamb	No 3238—dated 22nd March 1896	
"	Raver	Dr J Pollen	No 3281—dated 8th June 1881, and	
"	Yawal	Do	No 2478—dated 24th April 1888.	
"	Parola	Do	No 3281—dated 8th June 1881.	
"		Do	No 3281—dated 8th June 1881.	
"		Southern Circle.		
Kanur	Mahyal	Mr Ebdon	No 7304—dated 15th December 1879	
"			No 1506—dated 20th February 1891	
"			Notification under section 34 No 15-F of 1st March 1879	
"	Honavar—21 villages	Wingate	No 8772—dated 19th November 1889	
"	188 villages	" Macgregor	No 11710—dated 11th December 1906	
"	Kumta—10 villages	" Sheppard	No 6163—dated 18th August 1897	
"	and 92 do	" Wingate	No 2033—dated 16th April 1890	
"	Ankola—21 villages	Do	No 6211—dated 20th August 1893	
"	72 villages (originally settled by Mr. Hordey in 1879)	Do	No 1140—dated 9th February 1893	
"	Yellapur and 4 villages transferred from Sirsi	" Macgregor	No 1550—dated 10th February 1910	
"	Karwar	Do	No 7055—dated 20th July 1909	
"	Sirsi—17 villages	Mr Wingate	No 9212—dated 8th November 1891	
"	46 villages	Do	No 278—dated 13th January 1890	
"	170 villages	Do	No 6102—dated 27th July 1891	
"	100 villages	Mr Sheppard	No 6890—dated 10th September 1897	
"		" Macgregor	No 6907—dated 2nd August 1910	

Revised.

"	Dhatkal—65 villages.	" " Shoppard Do written by Mr. Brown	No. 3017—dated 31st May 1898.
"	Siddapur—169 villages.	Revised by Messrs Yammadi and Macgregor.	No. 2192—dated 5th April 1902.
"	Supa originally settled by Mr. Wingate in 1895	Resettled by Mr. Macgregor.	No. 3458—dated 28th May 1907.
"	Mundgod	Mr Grey	No 11381—dated 1st December 1906
"	Belgaum and Chikodi	Do	No. 6027—dated 21st August 1893.
"	Khanapur	Do	No 0060—dated 22nd August 1893.
"	Golak	Do	No. 8039—dated 21st August 1893
"	Paregad	Do	No 0036—dated 22nd August 1893
"	Dharwar	Mr. Knight	No 7837—dated 23rd October 1893
"	Karagi	Do.	No. 8037—dated 22nd October 1891
"	Gadag	Do.	No. 0301—dated 26th July 1891.
"	Ranebennur	Do.	No. 1310—dated 10th June 1895
"	Kalahatgi	Do.	No. 1333—dated 13th June 1895
"	Kod	Do.	No 4512—dated 17th June 1895
"	Hangal	Do	No. 1317—dated 17th June 1895.
"	Habl	Do.	No 3117—dated 6th July 1895
"	Banapur	Do	No 358—dated 16th January 1895
"	Bijapur	Mr. Tucker	No 8330—dated 11th October 1891.
"		2nd Circle	
"	Ubauro	Mr H. C Mules	No 0226—dated 31st August 1896
"		Do.	No 7250—dated 13th October 1896.
"		Do	No. 1509—dated 15th March 1897
"	Mirpur	Mr B. P. Barrow	No. 3938—dated 27th May 1895
"		" H. C Mules	No. 3508—dated 7th June 1897.
"		" M. N. Iyaldas	No 1101—dated 20th January 1916
"		" H. G. Mules	No. 2355A—dated 26th April 1897.
"	Chhotki	Do.	No. 3508A—dated 9th June 1897
"		Do.	No. 3181—dated 30th April 1899
"		Mr R. P. Barrow	No 2405—dated 25th March 1895
"		Do.	No 2280—dated 29th March 1891.
"		Mr S. R. Arthur	No 3432—dated 12th May 1893
"		" F. E Comming	No. 2212—dated 23rd March 1904.
"		" Assardes M. N.	No 0555—dated 15th July 1913.
"			No 1101—dated 29th January 1916.

District.	Taluka or Petha	Name of officer who made the settlement	Government Resolution sanctioning the settlement	Remarks.
Sukkur	Panoakul	Mr H G Mules	No 2553 on 1 2551—dated 20th April 1887	
"	"	" R P Barrow	No 2105—dated 25th March 1895	
"	"	" F E Commung	No 6320—dated 8th July 1913	
"	Rohri	" A S V Acott	No 1138—dated 22nd March 1916	
"	"	" H G Mules	No 2551—dated 26th April 1887.	
"	"	" F E Commung	No 2789—dated 4th March 1904.	
"	"	" A S V Acott	No 6328—dated 8th July 1913	
"	Sukkur	" H G Mules	No 1158—dated 22nd March 1916	
"	"	" H. Montgomery	No 2552—dated 26th April 1887.	
"	"	Do	No 1070—dated 2nd February 1914	
"	Sukkarpar	" H G Mules	No 3050—dated 21st April 1914	
"	"	Do	No 368—dated 15th January 1887	
"	"	" H Montgomery	No 8027—dated 23rd November 1887	
Upper Sind Frontier	Kandhikot	" H Montgomery	No 11631—dated 2nd November 1915	
"	"	" R P Barrow	No 9253A—dated 23rd November 1895	
"	"	" A A Haasani	No 9189—dated 26th April 1906	
"	"	" R P Barrow	No 9080—dated 1th October 1913	
"	Kashmore	" R P Barrow	No 11519—dated 30th October 1915	
"	"	" R P Barrow	No 9253A—dated 23rd November 1895	
"	"	" R P Barrow	No 11619—dated 30th October 1915	
"	hwan	" H G Mules	No 7060—dated 26th September 1891	
"	"	Do	No 6153—dated 16th September 1886	
"	"	" Narandas	No 2176—dated 25th April 1898.	
"	"	" N H Hoy	No 7001—dated 20th July 1909	
"	"	" N H Hoy	No 7315—dated 10th August 1912	
Larkana	Dadu	" H G Mules	No 2907—dated 19th April 1886	
"	Mehar	Do.	No 3016—dated 12th May 1883.	
"	"	" S Sadikali	No 9786—dated 16th December 1904	

"	"	"	"	No 8173—dated 22nd August 1010.
"	"	"	"	No 2531—dated 26th April 1887.
"	"	"	"	No. 3402—dated 1st June 1887
"	"	"	"	No. 6180—dated 23rd July 1891
"	"	"	"	No 3622—dated 30th May 1898
"	"	"	"	No 0607—dated 21st October 1910.
"	"	"	"	No 3382—dated 10th June 1914
"	"	"	"	No. 10290—dated 22nd December 1883.
"	"	"	"	No 7712—dated 17th September 1894.
"	"	"	"	No. 4473—dated 13th June 1883
"	"	"	"	No 8692—dated 29th October 1883.
"	"	"	"	No. 3806—dated 20th May 1895.
"	"	"	"	No 10290—dated 25th October 1909.
Nawalshah	Moro	"	"	No 5303A—dated 31st August 1900
"	Naushahro	"	"	No 7897—dated 24th December 1891.
"	"	"	"	No 1720—dated 1st March 1895
"	"	"	"	No 4568—dated 10th May 1909
"	Kandiari	"	"	No 7870—dated 24th September 1891
"	"	"	"	No 8121—dated 2nd October 1891
"	"	"	"	No 3770—dated 7th May 1896
"	"	"	"	No 5567—dated 3th June 1908
"	Sakrand	"	"	No 1137—dated 12th February 1883
"	"	"	"	No 818—dated 30th January 1883
"	"	"	"	No. 7893—dated 24th September 1894.
"	"	"	"	No 1933—dated 8th March 1905.
"	"	"	"	No 5899—dated 18th June 1909
Hyderabad	Bala	"	"	No 5412—dated 29th July 1889
"	"	"	"	No 4195—dated 10th June 1890
"	"	"	"	No 2418—dated 26th March 1895
"	"	"	"	No. 5283—dated 27th August 1900
"	"	"	"	No 7714—dated 8th December 1900
"	"	"	"	No 8032—dated 17th December 1900
"	"	"	"	No. 7333—dated 11th September 1905.
"	"	"	"	No 5285—dated 19th July 1905
"	"	"	"	No 8024—dated 3rd October 1905
"	"	"	"	No. 5143—dated 23rd June 1905.

District	Taluka or Petha	Name of officer who made the settlement.	Government Resolution sanctioning the settlement	Remarks
Hyderabad	Halz	Mr Hamid A Ali	No 4254—dated 1st May 1906	
"	"	Do.	No 10510—dated 24th October 1907	
"	"	Do	No 6131—dated 19th June 1908	
"	"	" S H Goverton	No 2010—dated 19th March 1908	
"	"	Do	No 7000—dated 22nd July 1911	
"	"	Do	No 3707—dated 18th June 1912	
"	"	Do	No 4197—dated 3rd May 1913	
"	"	" Sadusing	No 12720—dated 19th December 1916	
"	Tando Alahyar	" R P Barrow	No 2900—dated 1st April 1895	
"	Hyderabad	" R B. Nawalkar Shou waram	No 5702—dated 17th July 1880	
"	"	" R B. Nawalkar Shou waram	No 5900—dated 11th October 1881	
"	"	" R P Barrow	No 947—dated 5th February 1895	
"	"	" Hamid A Ali	No 6813—dated 11th July 1907	
"	"	Do.	No 2253—dated 3rd March 1908	
"	"	" S H Goverton	No 7001—dated 22nd July 1911	
"	Manjhand	" S H Goverton	No 6970—dated 14th October 1879	
"	"	" H C Mules	No 3241—dated 3rd May 1886	
"	"	" R P Barrow	No 8003—dated 21st December 1886	
"	"	Do	No 1251—dated 14th May 1891	
"	"	Messrs Philipowaley, Kishunchand & Ram- chand	No 6976—dated 4th October 1899	
"	"	"	No 1973A—dated 27th March 1902	
"	"	Mr K F Mirza	No 10053—dated 30th September 1908	
"	"	" Natandas	No 7806—dated 30th August 1910	
"	"	" Kalvani	No 3030—dated 12th March 1917	
"	"	" H C Mules	No 5903—dated 22nd December 1890	
Hyderabad	Kotri	Messrs. P Philipowaley, Kishunchand & Ram chand	No 1973A—dated 25th March 1902	
"	"	"	No 1130—dated 30th June 1902	
"	"	Mr K F Mirza	No 8369—dated 17th August 1908	
"	"	"	No 570—dated 21st January 1912	

No.	Place	Date
No. 2700	Rulehand	dated 5th March 1915.
No. 3050	Kalwani	dated 12th March 1917.
No. 8328	" Y. W. Ferrera	dated 23rd December 1898
No. 545	"	dated 28th January 1901.
No. 9879	"	dated 20th December 1904
No. 3180	" J. A. Shildy	dated 30th May 1911.
No. 6487	" Kindersley	dated 17th December 1879.
No. 5131	"	dated 14th June 1906
No. 2915	"	dated 19th March 1908
No. 6355	" Deshmukh	dated 15th July 1910.
No. 2731	" E. L. Moysey	dated 6th April 1895.
No. 3196	"	dated 22nd August 1900
No. 1701	"	dated 3rd March 1901
No. 5185	"	dated 17th August 1903
No. 1001	"	dated 29th June 1901
No. 6031	"	dated 1st June 1909.
No. 5131	" A F Kindersley	dated 14th June 1906
No. 8991	"	dated 20th September 1906.
No. 7170	"	dated 17th September 1895.
No. 5485	" E L Moysey	dated 13th August 1903.
No. 7110	"	dated 8th July 1901
No. 1259	"	dated 21st February 1903.
No. 7688	"	dated 17th May 1904
No. 10173	"	dated 18th November 1913
No. 2309	"	dated 17th April 1888
No. 5480	"	dated 13th August 1903
No. 7111	"	dated 12th October 1903
No. 3862	"	dated 2nd August 1904.
No. 0931	"	dated 10th September 904.
No. 756	"	dated 13th July 1909
No. 2645	"	dated 2nd April 1895
No. 2731	"	dated 24th April 1903.
No. 6732	"	dated 19th July 1909.
No. 5387	"	dated 2nd June 1909.
No. 615	"	dated 20th January 1904.

District	Taluka or Petha.	Name of officer who made the settlement	Government Resolution sanctioning the settlement	Remarks
Karnata	Ghorabari	Mr. L. G. Deshmukh	No 687—dated 31st January 1908 No 2193—dated 3rd April 1902 No 3391—dated 25th May 1903 No 3106—dated 5th July 1901	
"	"	Mr. Hudson W. F.	No 147—dated 15th January 1908	
"	"	" J. W. Smyth	No 3136—dated 7th May 1895 No 8039—dated 11th August 1907 No 9821—dated 13th October 1911	
"	Tatla	" W. F. Hudson Messrs. J. W. Smyth & W. F. Hudson	No 4170—dated 13th January 1908. No 6326—dated 27th August 1889 No 7031—dated 22nd August 1891 No 6275—dated 10th August 1896 No 4131—dated 30th June 1902 No 2108 and 2109—dated 29th March 1901	
"	"	Mr. J. W. Smyth	No 4131—dated 30th June 1902 No 1160—dated 2nd February 1907 No 7721—dated 6th August 1907	
"	"	Do.	No 1003—dated 29th May 1895 No 12049—dated 21st December 1906. No 10639—dated 26th October 1907.	
Hyderabad	Hyderabad		No 1673—dated 22nd March 1891 No 6960—dated 26th August 1899 No 8240—dated 20th August 1907 No 10821—dated 23rd October 1908	

APPENDIX IV.

(Article 396)

The Working Plans sanctioned in the different circles of the Presidency including Sind are as follows :—

Circle and Division.	Name of Plan and the Officer who prepared it.	No. of Blocks.	No. of compartments.	Area involved.	Method of treatment and period of rotation.	Government Order sanctioning the Plan.
Northern Circle. Thana	Mohhada Petha, by Mr. G. R. Duxbury, revised by Mr. R. K. Kanitkar.	10	380	Sq m. A G 42 331 30	(1) Coppice standards. (2) 40 years.	No. 3198 of 17th April 1905, Revenue Department (original) No 11813 of 28th December 1910 (revised)
	Talewari Mahal, by Mr. G. R. Duxbury, revised by Mr. R. K. Kanitkar.	4	120	27 103 30	(1) Selection (2) 30 years.	No 3199 of 17th April 1905, Revenue Department (original) No 11813 of 28th December 1910 (revised)
	Salsetto and Kalyan Ranges, by Mr. G. P. Millett; Kalyan Range, revised by Mr. R. K. Kanitkar.	10 14	400 560	24 409 10 40 607 10	(1) Coppice standards. (2) 40 years.	No. 780 of 31st January 1899, Revenue Department (original). No. 9261 of 26th September 1909, Revenue Department (revised)

THE BOMBAY FOREST MANUAL.

Circle and Division	Name of Plan and the Officer who prepared it	No of Blocks	No of compartments	Area involved	Method of treatment and period of rotation	Government Order sanctioning the Plan
Northern Circle— Thana—contd.	Dahanu	32	1,260	Sq m A g		
	Umbergaon	27	1,080	103 366 30		No 3494 of 30th May 1903 (original)
	Shahapur	23	920	77 376 30(1)	Coppice with standards	No 9260 of 25th September 1909 and No 1002 of 4th February 1910 and No 11813 of 28th December 1910 (revired)
	Khardi, and Murbad, by Mr. W F F Fisher, Dahanu and Umbergaon Ranges revised by Dr. N Gustasp and remaining ranges by Mr R K Karitkar.	32 21	1,280 510	80 373 30 08 507 30	30(2) 40 years	
	Bhivandi, by Mr T. B Fry, revised by Mr G. P. Mallett	20	800	58 399 30	Do	No 10567 of 22nd December 1894 (original) No 8235 of 12th November 1897 (revised)
	Bassein	23	920	71 162 30		
	Madam and Wada Ranges, by Mr G. P. Mallett, revised by Mr. V. d'P. Ribeiro	34 34	1,360 1,300	115 7 10 116 308 10	Do	No 3033 of 7th May 1903 (revised)
	Tulshi, by Mr. G. P. Mallett.	1	20	2 131 0	(1) Successive Regeneration fellings, (2) 30 years,	No 3409 of 20th May 1898, Revenue Department

Surt	Mandry, by Mr. E. M. Hodgson.	20 series	8''	67	110	6,(1) Improvement fel- lings	No 8090 of 3rd Sep- tember 1908.
	Chilchind Bulsar, by Mr. E. M. Hodgson.	7	150	3	632	(2) 40 years, (1) Coppico with standards	No. 7909 of 17th December 1900
	North Dangs, by Mr. G. E. Marjori banks.	R. F. 7 P. F. 6	122	91	160	(2) 20 years, (1) Improvement fel- lings.	No 3317 of 19th March 1915
	South Dangs, by Mr. G. E. Marjori- banks.	6	90	231	135	(1) Do (2) 30 years.	No 4726 of 16th April 1917.
	Dohad and Dhalod Ranges, by Dr. Gustasp.	10 6	300 180	69 41	368 180	Do Do	No 7868 of 31st Aug- ust 1910
Porch Mahals	Halol, by Mr. R. S. Pearson.	8	320	25	416	(1) Improvement fel- lings for Working Circle I (Blocks I to XV and clear fel- lings of inferior spe- cies and blanks to be sown and planted up by artificial means, in Working Circle No II con- sisting of Block No XVI).	No. 9720 of 3rd Octo- ber 1907.
	Godhra Range, by Mr. G. P. Mallett.	18	540	138	482	(1) Limited selection fellings combined with improvement fellings. (2) 20 years	No. 5086 of 29th June 1896 and No. 6177 of 31st July 1905.
	Kalol Range, by Mr. G. P. Mallett.	2	60	14	417	(1) Limited selection fellings. (2) 30 years	No 6177 of 31st July 1905.

Circle and Division.	Name of Plan and the Officer who prepared it	No. of Blocks	No of compartments	Area involved	Method of treatment and period of rotation	Government Order sanctioning the Plan
Northern Circle— concd. Nasik	Working Plan for the Nasik Trak Reserves Below Ghats (Pent taluka and western parts of Nasik and Dindori talukas), by Mr J. Dodgson	30 6	900 180	Sq m. A g 105 132 3 31 83 15	Preliminary treatment to prepare the crop for High Forest System (2) 30 years	No 7611 of 21st September 1905
	Nasik Trak Above Ghats— Nasik Dindori Kalwan and Baglan, by Mr J. Dodgson	6 13 22 22	180 390 600 600	18 312 36(1) 48 578 12 75 502 12(2) 83 497 21	Coppice with standards (2) 30 years	No 8529 of 19th October 1905
	Working Plan for the "Anjan" and scrub jungles of— Malegaon Baglan Kalwan, and Chandwad Ranges, by Mr. J. Dodgson	39 11 13 8	1,170 330 90 210	171 351 28(1) 51 577 1 16 318 16 31 100 28(2)	Two stored High Forest system 30 year	No 7612 of 21st September 1905.
	Working Plan for the Igatpur and - Working Circle I—6 II—11	Working Circle I—6 II—11	210 330	23 98 20(1) 17 394 1	For Working Circle I and III. Coppice with standards For Working Circle II—Improvement fellings.	No 10188 of 4th November 1912
	Sinnar (part) Range Forests, by Mr. A. F. Gonsalves.	III—2	120	5 570 8(2) 36 10 "	40 years 30 10 "	

Central Circle				Sq. m.			
East Khandesh	Chopda, Rayar and Yawal Forests, by Mr. L. S. Osmaston.	16	45	399.6	(1) Coppice standards. (2) 15 years.	with No. 7898 of 11th Nov-ember 1901 and No. 4234 of 4th June 1907.	
	East Khandesh Scrub jungles, by Mr. A. G. Erhe	50	4 sub-blocks in each block	197.7	Production of grass for cutting (2) 50 years.	No. 1056 of 28th May 1901	
	Babul Forests of Jamner, Bhusawal and Edlabad Ranges, by Mr. J. J. Dodgson.	4	40	3.3	(1) Clear felling (2) 10 years	No. 9188 of 4th October 1906	
	Jamner Teak Reserves, by Mr. J. J. Dodgson.	13	30	50.4	(1) Improvement felling under coppice with standards as a tem.	No. 5527 of 3rd June 1908	
	Anjan and Scrub Forest of the Edlabad Range, by Mr. H. L. Newman.	10	30	49.3	(1) Coppice standards. (2) 30 years.	No. 2801 of 24th March 1909	
North Khandesh	Satmala Teak and mixed forests and the above-mentioned mixed and scrub forests of Chalisgaon Range, by Mr. A. F. Goncalves.	7	30	50.9	(1) Light improvement felling in blocks and coppice with standards in 3 blocks	No. 914 of 25th January 1915	
	Transpurna Babul Reserve, by Mr. G. P. Mallett	3	30 coupes in 2 blocks and 10 in 1 block	3.8	(1) Clear felling in 2 blocks and light improvement felling in one block (2) 30 years.	No. 11934 of 11th Nov-ember 1915 and No. 223 of 13th January 1902.	
	Shirpur and Shahada East Sarpadas, by Mr. L. S. Osmaston.	13	45	105.0	(1) Coppice standards (2) 45 years.	No. 2507 of 29th April 1901 and No. 4636 of 1st July 1901.	

THE BOMBAY FOREST MANUAL.

Circle and Division	Name of Plan and the Officer who prepared it	No of Blocks	No of compartments.	Area involved	Method of treatment and period of rotation.	Government Order sanctioning the Plan
<i>Central Circle—contd</i>				Sq m		
North Khandesh—	Taloda and Shahada West Working Plan, by Mr J. Dodgson	21	coupes in Working Circle II, 25 coupes in Working Circle III.	139 0	(1) Light improvement felling (2) 25 years	No 4265 of 6th June 1904 and No 4271 of 26th April 1907
West Khandesh	Umarpata Reserve, Pimpri Range, by Mr J. Dodgson	5	25	22 0	(1) Improvement felling (2) 25 years	No 1568 of 6th June 1904 and No 4268 of 6th June 1904
	Deomogri Reserve in Narandbar Range, by Mr J. Dodgson	4	15	51 0	(1) Improvement felling (2) 45 years	No 3408 of 26th April 1905 and No 11067 of 22nd December 1911
	Anjan and Scrub jungles of Dhulga and Pimpri Ranges, by Mr J. Hamilton	6	40	107 0	(1) Improvement felling (2) 40 years	No 7829 of 22nd August 1914
Poona	Poona Babul Forests, by Mr. L. Napier	17	40	32 3	(1) Clear felling (2) 40 years	No 2783 of 26th April 1902 and No 1780 of 9th January 1901.
	Poona Teak Forests, by Mr J. Dodgson	12	40	114 7	(1) Coppice standards, (2) 40 years	No 1914 of 25th July 1903 and No 8021 of 19th October 1904.
	Working Plan of the forests surrounding Lonar and Khandala, by Mr J. Hamilton	5	40	28 4	(1) Improvement felling (2) 40 years	No 9608 of 21st September 1908 and No 9766 of 25th October 1910

		30	2-6	(1) Improvement fel- ling. (2) 30 years	No. 8345 of 11th August 1910
Teak and mixed Sub ghat forests of Lonavla and Ambegaon Ranges, by Mr. A. F. Gonsalves. Mixed junglwood and evergreen forests of Mulshi Range, by Mr. G. P. Millett. Ahmednagar Teak Forests, by Mr. J. Dodgson.	9	30	39 0	(1) Selection felling .. (2) 30 years.	No 13608 of 22nd December 1915
	19	10	103-0	(1) Improvement fel- lings resembling the coppice with Stan- dards with a heavy reservation (2) 40 years (1) Coppice with stan- dards.	No 3171 of 28th April 1905
	10	40	45 4	(2) 10 years (1) Light Improve- ment felling (2) 30 years	No. 7281 of 17th July 1908
	3	30	18-0	(1) Coppice with an equal area basis (2) 40 years. (1) Clear felling (2) 20 years.	No 2786 of 18th March 1911 and No. 1827 of 21st February 1912
	116	10	116 1	(1) Coppice with standards on an equal area basis (2) 40 years. (1) Clear felling (2) 20 years.	No 7163 of 13th July 1908.
	1	20	0-2	(1) Storeyed forest .. (2) 30 years	No. 4387 of 24th April 1915
	1	30	1 7		No. 3742 of 9th April 1908.
I to VIII	40 coupes each.	50 53		(1) Coppice standards. (2) 40 years.	No 7438 of 27th November 1900.

Satara

Kolaba

Southern Circle

Kanara, N. D.

Circle and Division	Name of Plan and the Officer who prepared it.	No. of Blocks.	No. of compartments	Area involved	Method of treatment and period of rotation.	Government Order sanctioning the Plan
Southern Circle— Kannara, N D— contd	Kalghati Forests, by Mr. W. A. Miller	I to XIII	For I to X 40 coupes each, for XI to XIII 60 cou pes each	Sq m 60 0	(1) Coppice standards (2) 40 years.	No. 11073 of 11th November 1918.
	Supa Working Circle, by Mr. T. R. D. Bell	I to IX	250	215 97	(1) Jardinage stem. (2) 24 years	No. 7712 of 5th Octo ber 1896.
	Gund Working Circle, by Mr. T. R. D. Bell	X and XI	53	46 82	Do	No. 9430 of 26th November 1896.
	Hahyal Teak Pole, by Mr. W. E. Copleston.	I to X	For I to V 60 coupes each, for VI to X 45 coupes each.	66 53	(1) Coppice standards (2) I to V—60 years, VI to X—45 years	No. 5851 of 1st August 1901
	Hahyal Teak Pole (Mun- dha), by Mr. W. A. Miller	VII—A	80 coupes	6 76	(1) Uniform system. (2) 80 year.	No. 11911 of 11th October 1913 Revised plan in G O No 3018 of 23rd October 1920
Kannara, E. D.	Dhagwadi Working Circle, by Mr. W. A. Miller	VIII, IX and XX	63	60 92	(1) High Forest selec- tion system (2) 20 years	No. 8677 of 6th Septem- ber 1916
	Yellapur slopes, by Mr. W. E. Copleston.	XVII	17 compart- ments	15 47	(1) Selection system. (2) 30 years	No. 5787 of 17th Jul. 1907

APPENDICES.

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Yellapur above ghat, XIII to XVI, by Mr. W. E. Coptston and XXVIII and XXI	172	171-8	(1) Selection system (2) 24 years	No
Mund and High Forest, XXII and by Mr. P. E. Aitchison XXIII.	88	84 86	(1) Selection system. (2) 20 years	No 8756 of 27th August 1908.
Mundgod Teak Pole area, I to XII by Mr. P. E. Aitchison.	I to IV—40 coupes each V, VI, X, XI, XII, — 50 coupes each, VII, VIII and IX—60 coupes each	57-59	(1) Coppice standards. VII, VIII, IX—60 X, XI, XII—70 years. I to IV 40 years.	No. 207 of 9th January 1909.
Kirwatta Teak Pole area, I to IV by Mr. W. A. Miller	80 coupes each.	29 53	(1) Coppice standards (2) 80 years	No. 9723 of 10th October 1916
Bankapur-Hangal Forests, I to XV by Mr. W. A. Miller	40 coupes each	55 51	(1) Coppice standards. (2) 40 years.	No 11075 of 11th November 1918.
Arbail slopes, XII by Mr. W. A. Miller.	28 compartments	27 88	(1) High system. (2) 30 years	Forest No 10031 of 8th October 1918.
Sirsi town plan, I to IV by Mr. P. E. Aitchison	60 coupes each	12 85	(1) Coppice standards (2) 60 years.	No 3873 of 27th April 1911
Ankola High Forest, XXIV and XXV by Mr. R. S. Pearson	70 compartments.	70 32	(1) Selection system (2) 10 years.	No 11306 of 13th December 1910.

Kanara, C. D.

Circle and Division	Name of Plan and the Officer who prepared it	No of Blocks	No of compartments	Area involved	Method of treatment and period of rotation	Government Order sanctioning the Plan.
Southern Circle— Kannara, U D— concd.	Cuscutina plantations at Harredda and Gangath, by Mr R S Ferguson.	.	.	Sq. m 187 acres.	(1) Clear felling with No 6271 of 3rd July 1911 (2) 25 years.	
	Ankola Kunta Const. by Mr P E Aitchison	I to XXII	50 coupes each	53 77	(1) Coppice standards (2) 50 years	No 10186 of 4th November 1912.
	Yelambu Sonda High Forest, by Mr P E Aitchison	XXVIII	33 compartments	50 35	(1) Selection system (2) 30 years	No 5037 of 6th May 1915
	Monawa Talu Plant For ests, by Mr P E Aitchison,	I to III	56	38 67	(1) Selection system (2) 20 years	No 2031 of 26th February 1900
Kannara, S D.	Cannara plantations at Kasaragod, by Mr. W E Copleston	I series	20 coupes	507 acres	(1) Clear felling with No 6271 of 3rd July 1911 (2) 25 years	
	Soppinholli High Forest, by Mr P E Aitchison	XXVII	19 compartments	17 94	(1) Selection system. (2) 15 years	No 3560 of 16th April 1913
	Woting Plan for Chaudwari Forest, by Mr W A. Miller,	I	40 coupes.	12.27	(1) Coppice standards (2) 40 years	No. 12332 of 19th November 1913

Kanara W. D.	Karwar Fuel Reserves, by Mr. D. A. Thomson.	I to XIV	15 coupes each	70	(1) Coppice system (2) 45 years	No. 3024 of 1st July 1903
	Supaj Fuel Reserves, by Mr. D. A. Thomson	I to VII	45 coupes each.	53 57	(1) Coppice system (2) 45 years	No. 10311 of 30th October 1900
	Kadiu, Mardu and Sul geu Teak plantations, by Mr. R. S. Pearson.	I to V		1 11	(1) Thinnings with cultural operations. (2) 10 years.	No. 8880 of 3rd October 1910.
	Kainradi slopes Working plan, by Mr. R. S. Pearson.	XXVI	18 compart- ments.	51 58	(1) Selection system (2) 30 years	No. 4001 of 20th April 1911.
Belgaum	Causarua Plantations, by Mr. R. S. Pearson	....	25 coupes	372 8 acres	(1) Clear felling with re-planting. (2) 25 years.	No. 6271 of 3rd July 1911.
	Golihalli Godhali working plan, by Mr. W. E. Copleston	Series I and II	40 coupes each.	11 70	(1) Clear cutting with reproduction from the stools by cop- piece (2) 40 years	No. 1574 of 20th July 1900
	Revised Working Plan for Nagargali Forests, by Mr. E. M. Hodgson.	XIX	24 compart ments.	13 8	(1) Improvement fel- lings and cultural operations. (2) 24 years.	No. 13471 of 16th De- cember 1915.
	Gokak Rango Forest, by Mr. E. M. Hodgson	I to XXXII	30 coupes each.	158 65	Coppice with stan- ards. (2) 30 years.	No. 7352 of 25th July 1910.

Circle and Division	Name of Plan and the Officer who prepared it	No of Blocks	No. of coupes	Area involved.	Method of treatment and period of rotation	Government Order sanctioning the Plan
<i>Southern Circle—</i> Belgaum <i>concd</i>	Khanapur Fuel Reserves, by Mr. N. D. Satara walla	I to VII	10 coupes	84 m 194 01	(1) Clear felling with reproduction by coppice shoot. (2) 10 years.	No. 2183 of 14th April 1903
	Warkhad Homadgo extension, by Mr. D. A. Thomson	VIII and IX	15 coupes	14 29	(1) Coppice system. (2) 45 years	No. 6245 of 28th June 1906
<i>Sind Circle</i> Sukkur, Shikarpur	Sukkur plan, by Mr. A. C. Robinson	Working coupes 52		127 5	(1) Clean felling (2) 30 years	No. 4777 of 12th May 1908
Larkhana	Larkhana plan, by Mr. A. C. Robinson	Do		202 28	(1) Clean felling (2) 30 years	No. 5537 of 17th August 1903
Hyderabad	Hyderabad plan revised, by Mr. D. J. Navani	60	852	215 9	(1) Clear felling (2) 30 years.	No. 8830 of 10th July 1917.
Karnachi	Jurruck plan revised, by Mr. D. J. Navani.	57	1,074	228 4	(1) Clear felling (2) 30 years	No. 1300 of 3rd February 1910

Appendix V, pages 549 to 552—

Kanara Forest Privilege Rules inserted by collection slip No. 89.—

To clause *a* (ii) of rule 3 *add* the following note.—

"*Note*—As Kans are necessary for the preservation of water in the soil and the preventing of denudation, the privilege of clearing strips should not be extended to areas covered with Kans. In cases, however, where village sites are surrounded too closely by dense jungle the people may be allowed to clear the undergrowth to a distance of 44 yards all round the village site even if it consists of Kans."

To clause *a* (iv) of rule 3 *add* the following note.—

"*Note*—The strips should be demarcated without delay and in such a permanent manner that it will not be necessary to cancel the grant even if clearing is postponed for a few years. This demarcation should be carried out by the cultivators concerned under the control of the Revenue authorities to whom the work of assignment is entrusted."

(G.N. No. 312/28, dated 23rd May 1928)

in which there is unorganized Reserved Forest open to such privileges, or for the use of which such forest has been or may be set apart:—

(a) The collection and removal by headloads only of fallen dead-wood of unreserved trees for domestic purposes, but not for the manufacture of *jagri*.

(b) The removal of clay and stones for agricultural purposes from places appointed in this behalf by the Divisional Forest Officer, in such cases as are not sufficiently provided for by rule 3 *infra*.

(c) The cutting or collection and removal of canes, creepers other than *shige* and all other articles of minor forest produce except such as may be specially reserved from time to time by the Forest Department with the approval of the Collector.

(d) The cutting and removal of thorns and brush-wood including all bushes, shrubs and all ligneous growths which do not become timber trees, for dams and fencing.

(e) The cutting and removal of bamboos for domestic and agricultural purposes.

(f) The cutting and removal of unreserved trees, for the construction and repair of huts, cattle-sheds, dams, agricultural implements, chappars and mandaps for dressing betel-nut, provided that

(1) the stools of all trees cut in accordance with this privilege must be trimmed level with the ground and that care must be taken that there is no unnecessary waste of material;

(vi) any expenditure that may be incurred by the Forest Department in carrying out the results of any order to comply with the terms of provision (i) shall be recoverable from the inhabitants of the village or villages concerned;

(vii) the exercise of this privilege shall not be allowed within 132 feet (2 chains) of the bank of any river or of any other water which contains water throughout the year.

(viii) The lopping and removal of leaves of unreserved trees ('Soppu') in the areas assigned for that purpose by the inhabitants of the taluqs of Ankola, Kutat and Honavar and the Bhatkal Petha, for the use of gardens, rice lands and manure pits, subject to the following conditions:—

(i) That lopping will be according to the rotation fixed for groups of villages and notified to the villagers,

(ii) Trees of less than 12 inches girth at breast height shall not be cut, lopped or in any way injured or interfered with, nor shall the leading shoot of any tree of less than 36 inches girth at breast height be cut,

(iii) The branches lopped shall not exceed 6 inches in circumference or 2 inches in diameter, i.e., those thicker than a man's wrist shall not be lopped

(iv) Lopping shall be strictly limited to the period from 1st August to the 30th of September;

(v) This permission to take Soppu shall not be used as a cloak to cut and take away green firewood: provided that the Collector may when necessary, in consultation with the Forest Officer,—

(1) exclude from reservation any of the reserved trees

(2) extend the period herein allowed for lopping Soppu

2. For the purpose of rule 1 the term "unreserved trees" means and includes all species except the following:—

1. Teak, *Tectona grandis*.
2. Sandalwood, *Santalum album*.
3. Blackwood, *Dalbergia latifolia*.

4. Ebony, *Diospyros assanilis*.
5. Balghe, *Vitex altissima*.
6. Karimutal, *Ougenia dalbergioides*.
7. Shiwani, *Gmelina, arborea*.
8. Hirda, *Terminalia chebula*.
9. Khair, *Acacia catechu*.
10. Honi, *Pterocarpus marsupium*
11. Jhall, *Shorea talura*.
12. Matta, *Terminalia tomentosa*.
13. Nandi, *Lagerstroemia microcarpa*.
14. Phanas, *Artocarpus integrifolia*
15. Wonto, *Artocarpus lakoocha*.
16. Bokli, *Mimusops Elægi*.
17. Heddi, *Adina cordifolia*.
18. Sagdi, *Schleichera tryuga*.
19. God Hunshi, *Albizia odoratissima*.
20. Hoh Matti, *Terminalia Arjuna*
21. Sampige, *Flacourtia montana*
22. Haiga, *Hopea Wightiana*.
23. Manjuti, *Adenanthera pavonina*.
24. Kajri, *Strychnos Nuxvomica*.
25. Surhonni, *Calophyllum tomentosum*.

B—GENERAL.

3. The occupants of rice and garden lands may cut and clear undergrowth and brushwood except sandalwood trees within a strip of the forest land adjoining their cultivation, the limits of which shall be fixed by the Divisional Forest Officer, provided (i) that generally the average minimum width of such strip shall be 44 yards, (ii) that the exercise of this privilege shall not be allowed in Kans, (iii) that this rule shall not be applicable to any land assigned for *betta* or *ben*, (iv) that the land to be cleared has first been demarcated in accordance with the directions of the Divisional Forest Officer or other officer deputed to give effect to the provisions of this rule, (v) that in cases where the cultivated area consists of a number of occupancies only some of which adjoin forest land the occupants may exercise this privilege jointly or according to such agreement as they may make among themselves, save in any portion of such forest land

which may be separately demarcated and assigned to any individual in consideration of the payment of assessment

Such occupants may, if they wish, enclose the demarcated area with a fence, ditch or wall, and they may erect on that area cattle-sheds, sugar-mills or other temporary buildings connected with their agricultural requirements but they must not use any portion of the area, not specially assigned and assessed for such purpose, for cultivation. They may lop *trees* except sandalwood trees standing in the area for cattle bedding and manure (but shall not fell any tree without permission). They may also remove from the area clay and stones for agricultural purposes

4. *Bona fide* cultivators may free of charge--

(i) collect and remove dead leaves for manure ;

(ii) cut and remove grass for fodder or manure ;

(iii) cut and remove *Lain* (*Strobilanthes*) for agricultural purposes ,

(iv) cut and remove with the previous permission of the Round Officer barren sago and other palms for water-courses and other agricultural purposes .

from any reserved forest in their villages or in the neighbourhood of their villages

5 Whenever the Collector is of opinion that all or any of the privileges conferred by these rules have been or are being abused to such an extent as to justify the suspension or restriction of the exercise of such privileges, or in the event of refusal to pay any sums recoverable under the terms of proviso (ii) to rule 1 (f), he may suspend, or impose such restriction on, the exercise of all or any of such privileges for such time as he may think proper.

(ii) *Kanara Forest Privilege Rules*

1 Any application

(a) if presented in writing,

(b) to a Forest Officer not lower in rank than a head guard in charge of a *naka*,

(c) by an inhabitant of the Kanara District,

(d) between 1st June and 1st November,

(e) for forest produce not obtainable by the applicant under the Kanara Privilege Rules, and

(f) specifying

(i) the kind and quantity of forest produce required, and

(ii) that such produce is required either for the applicant's own use or for a purpose for which application may be granted under the provisions hereinbelow contained, may, subject as regards the area from which the forest produce may be taken to such orders as the Divisional Forest Officer may from time to time make in this behalf, be granted

(a) if the forest produce is not timber and does not exceed Rs 10 in value, by a head guard in charge of a *naka*,

(b) if the forest produce does not exceed Rs 50 in value, by the Range Forest Officer, and

(c) in any other case, by the Divisional Forest Officer.

if the Forest Officer empowered to grant the same is satisfied

(a) that the application is not unreasonable, or that a reasonable time has elapsed since the applicant last obtained forest produce of the same description,

(b) that the produce applied for cannot be conveniently obtained by the applicant from a depôt or at an auction or otherwise,

(c) that the produce is *bona fide* required by the applicant for any of the following purposes and not for trade, manufacture, sale or barter—

(i) his own private use,

(ii) works of public utility, such as village *chaukis*, schools, *dharmshalas*, bridges, covers to or fencing round wells, and repairs to religious edifices,

(d) that the applicant, if the application is for timber, has not on his own estate trees other than fruit trees suitable for his requirements, if the produce is required for his private use,

(e) that the timber applied for is not that of trees of any of the following species, *viz.* :—

Teak, Sagwan or Tegu, *Tectona grandis*.

Blackwood, Bitti or Shisham, *Dalbergia latifolia*

No. 180

Appendix V, pages 552 to 557—

To rule 9 of the Kanara Forest Permit Rules inserted by correction slip No 90 add the following :—

"The period for the collection and removal of bamboos for fencing should extend up to the end of June each year"

(G. N. No. 312(a)/28, dated 23rd May 1928)

Honi, *Picriocarpus marsupium*

Poon, Sur-Honi, *Calophyllum tomentosum*.

Sandalwood, Gandhadamara or Chandan,
Santalum album

Ebony, Abnus or Karimara, *Diospyros assimilis*.

Shivani, *Gmelina arborea*

Matti, *Terminalia tomentosa*

Balge, *Ficus altissima*

Karimutal, *Ougenia dalbergioides*

Jhall, *Shorea Talura*.

Nana, *Lagerstrœmia micriocarpa*

Wonte, *Artocarpus lakoocha*.

Sampige, *Flacourtia montana*

Hebbalsu or Patphanas, *Artocarpus hirsuta*.

2 An application presented at any time other than the period between 1st June and 1st November may be granted by an officer empowered as aforesaid in any case which he is satisfied is emergent.

3. The payments to be made by persons to whom permits for forest produce are granted under this rule shall be at the rates specified in the schedule annexed to these rules, and shall be made at the nearest treasury on *chalans* supported by the Range Forest Officer or his head clerk

4 On depositing 25 per cent of the total amount payable under this rule for the forest produce granted to him thereunder, the applicant shall be entitled at any time between 1st November and 30th May, or, in cases in which the officer empowered considers emergent, at any other time, to receive a written permit from the officer empowered to grant the application, which shall

(a) specify the area from which the forest produce granted may be taken ;

(b) describe the trees, if any are to be cut, by then

(i) situation,

(ii) number,

(iii) kind,

(iv) maximum diameter at breast height,

(v) marks made on the timber under the orders of the Range Forest Officer ;

(c) fix the period for which the permit is granted ;
and

(d) authorize the applicant to cut or collect, as the case may be, from the area therein specified, the produce therein described, within the period so fixed.

5. The Divisional Forest Officer is authorized to sanction applications to cut timber of any of the trees mentioned in Rule 1 (c) at the rate, which may be fixed from time to time by the Collector in consultation with the Conservator, subject to the conditions laid down in Rule 1

6. The purchase money payable under Rule 3 may be remitted in whole or in part if the timber is required for any of the following purposes —

(a) Works of public utility, such as village *chaukis*, schools, *dhamshalas*, public bridges, covers to or fencing round public wells, and repairs to religious edifices not the property of individuals ;

Note—Except in very special circumstances no remission is to be granted under this rule in respect of Local Fund Works as the District Local Board is allowed a subsidy in each in lieu of such remissions

(b) Construction or repair of agricultural implements ;

(c) Re-construction or repairs of houses injured or destroyed by fire, flood or any sudden calamity if the houses so injured or destroyed belong to persons paying revenue to Government or their tenants or to lowly paid Government servants or others satisfying the granting officer that they are unable to provide for themselves ;

(d) Construction of houses which Government servants may be obliged to erect in consequence of their being stationed at Revenue or Police Stations where there is not sufficient house accommodation ;

(e) In cases of extreme distress or poverty not coming under the above heads

Note—Free grants of wood for idol car, may be considered to fall within this rule (Government Resolution No 3101, dated 13th April 1892)

Purchase money may be remitted by the following officers :—

(a) up to Rs. 50 by the Divisional Forest Officer ;

(b) up to Rs. 100 by the Collector and Conservator of Forests ;

(c) above Rs. 100 up to Rs. 200 by the Commissioner.

The amount remitted and the number and date of the order granting the remission shall be noted on the back of the permit by the officer who issues the permit

7. (1) Every permit granted under these rules for the cutting of trees shall be subject to the condition that no portion of the trees cut shall be removed by or on behalf of the holder of the permit unless and until

(a) he has reported that the trees have been so cut to the head guard in charge of the *naka*,

(b) the wood cut has been measured and stamped by a Forest Officer appointed by the said head guard in this behalf, and

(c) the wood has been fully paid for at the rates under this rule prescribed according to the measurement of the officer appointed as aforesaid.

(2) Every other permit granted under these rules shall be subject to the condition that the balance of the payments required under these rules to be paid in respect of the forest produce thereby granted shall be paid before any of such forest produce is cut or collected.

(3) On reasonable cause shown by a holder of a permit for delay the Divisional Forest Officer may, at his discretion from time to time, extend the period for which the permit was granted.

Schedule referred to in Rule 3 of the Kanara Forest Permit Rules

1st Class, at Rs 3 per khandi of 125 cubic feet

- 1 Phannas, *Artocarpus integrifolia*
- 2 Jamba, *Xylia dolabriformis*
- 3 Mashī or phudgus, *Alseodaphne semicarpifolia*.
- 4 Nanja or Bokh, *Mimusops Elengi*.
- 5 Heddi, *Adina cordifolia*
- 6 Sagdi, *Schleichera trijuga*.
- 7 Kavanchi, *Brideia retusa*.
- 8 Kalamb, *Stephogyne parvifolia*
- 9 Godhunshe, *Albizia odoratissima*.
- 10 Siris, *Albizia Lebbek*
- 11 Belati, *Albizia procera*
- 12 Kharsing or Gensu, *Stereospermum cyllocarpum*.
- 13 Hongal or Kibul, *Terminalia paniculata*.
- 14 Holī Matti, *Terminalia Arjuna*.
- 15 Dadsal, *Grewia tiliaefolia*.
- 16 Dindal, *Anogeissus latifolia*

- 2nd Class, at Re. 1½ per khandi of 12·5 cubic feet**

3rd Class, at Re. 1 per khandi of 12.5 cubic feet

- (Government Resolution No. 6079, dated 27th June 1911, as amended by Government Resolutions Nos 10386, dated 6th November 1911, 7456, dated 11th August 1913 and 5797, dated 9th June 1916.)

*Form of Register of Licenses given under Rule 3 of the
Kanara Forest Privilege Rules Round Range,
Kanara Division.*

[illegible]

2.—Code of forest privileges in the Belgaum District.

Belgaum (now Patne) and Khanapur (now Khanapur, Merde and Samboti) Ranges

A. Grazing under the rules in force: grass in head-loads free from open forest.

B. (i) Collection by forest villagers of fallen dead-wood, except teak and sandal wood up to 6" in diameter in head-loads from open forest free for the gathering of domestic purposes only, and not for sale or barter.

(ii) Any cultivator whose land adjoins reserved forest may extract from the forest within 41 yards of his filed wood and bamboos for construction of 'Mala' or for fencing purposes, provided teak, sandal, sisum honne and matti are not taken.

C. Thorn, karvi and climbers from open forest in head-loads free for domestic purposes, but on permit issued by the Range Forest Officer or Round Guard at authorized rates per load when removed in carts.

D. Wild fruits other than hirda, shigekai and karanj seeds.

E. Leaves for thatching, mats, etc., and for cigarettes or food-plates, and canes in head-loads free from open forest.

F. Wood for forest villagers' own houses and agricultural implements as shown below—

(i) Free to those whose assessment does not exceed Rs 50.

(ii) At half the sanctioned scheduled rates to those whose assessment does not exceed Rs 150.

(iii) At full scheduled rates to those who pay over Rs 150 assessment.

G. One to four trees of inferior species and bamboos according to the number of places at which festival are to be held, once a year, for each village for 'Hoh'.

(Non-forest villagers may be allowed this privilege if it is not abused.)

NOTE I.—The following villages in the Khanapur Range have either little reserved forest or a large population and consequently as the forest could not bear the application of the more liberal Khanapur schedule of privileges, it is proposed to apply the Gokak Range schedule instead—

Khanapur East (now Merde) Range.

Degaon and Honapur, which being in Sampgaon Taluka already come under the Gokak-Belgaum and not Khanapur Settlement.

Khánápur Central (now Khanapur) Range.

Desur, Idalhond, Gunji, Nandhalli, Katgali, Nittur, Ganebail and Wághowda, which being in Belgaum Taluka already come under the Gokák-Belgaum and not the Khánápur Settlement.

NOTE II—The following villages in the Belgaum Range being large should come under the Gokák schedule—

Chandgad, T. Niyé and Ghotgewádi; also the following Belgaum Range villages which are large, while the forests are small—

Biranholi, Manguti, Mastiholi, Yankanmardi, Thána-Mattargi, Nagnur-Masti, Nagnur-Daddi, Aldhal, Bidrewádi, Ramewádi (Daddi), Chinchni, Shettihalli, Sundi, Kavalge and Mande-durg.

NOTE III—Nandgad as hitherto will enjoy grazing privileges but no privilege of dead-wood collection

NOTE IV—The Collector to have power to cancel any privileges when abused.

Gokák (now Gokák and Gujnal) Range.

A. Grazing under the rules in force—grass in head-lands free from open forest.

B. (i) Collection by forest villagers of fallen dead-wood, except teak and sandal wood, up to 6" in diameter in head-lands from open forest free for the gatherer's domestic purposes only, and not for sale or barter.

(ii) Any cultivator whose land adjoins reserved forest may extract from the forest within 44 yards of his field, wood and bamboos for construction of 'Mala' or for fencing purposes, provided teak, sandal, sissum, honne and math are not taken.

C. Thorn for hedges, Bandungi and Menbandati, when possible from the annual coupes on payment for permits issued by the Forest Department at authorized rates.

D. One to four trees of inferior species and bamboos, according to the number of places at which festivals are to be held, once a year, for each village for 'Holi.'

(Non-forest villagers may be allowed this privilege if it is not abused.)

NOTE I—Gokák town being large should be treated like Nandgad in Khánápur Central Range in not being allowed the dead-wood collection privilege

NOTE II.—The Collector to have power to cancel any privileges when abused

(Government Resolution No. 1093, dated 28th January 1915 and G. O No. 1964, dated 1st July 1920.)

- 3.—Synopsis of orders approved by Government regulating privileges other than grazing in the Forests of the Kolaba District except Matheran plateau which may be cited as "The Privilege Code."

A. — In all classes of Reserved Forest.

1. In these orders —

(a) a "Forest village" means a village any portion of the lands of which is included in Forest;

(b) an "Inhabitant of a Forest village" means a person who is permanently resident in a Forest village, or who is the actual cultivator of land which is situated in such a village,

(c) "Wild tribe" includes any individual who is a resident of the Táluka in which the Forest is situated, who depends entirely on labour for his living, and who ekes out his subsistence by labour in the Forest, and by the collection and sale or barter of Forest produce.

2. (1) The privileges may be exercised —

(a) in open Forest without special permission, except as provided in orders 3, 7 (b), 8 and 9 (b),

(b) in closed Forest, only on the previous permission in writing of the Divisional Forest Officer;

(c) except as provided in orders 6 and 9 by the inhabitants of Forest villages only

(2) The permission mentioned in clause (1) (b) may be given in respect of any portion of Forest defined in the permission, and may be given generally and not necessarily to each individual person to whom the exercise of the privileges is allowed.

(3) Produce removed from the Forests under these orders without permit and without fee may be removed by headloads only.

3 The inhabitants of a Forest village may exercise the privileges granted to them both in the Forests of their own village and also in the Forests of the block within which the Forests of their village is included, but not in the Forests of other blocks, except with the previous permission in writing of the Divisional Forest Officer.

4. As provided in section 78, Indian Forest Act, all persons to whom privileges in Forests are granted are bound—

(a) to give information respecting the commission of any Forest offence ;

(b) to assist Government Officers in extinguishing Forest fires, and in preventing theft, mischief and other Forest offences, and in discovering and arresting offenders

5. The Collector may suspend the exercise of any privilege on his being satisfied that it is being abused or that the conditions of section 78, Indian Forest Act, are not being complied with, and shall, subject to the control of the Commissioner, determine the period of such suspension. Under the same circumstances the Collector is authorized to abolish the deadwood privilege and if necessary to put it on record by publication in the *Government Gazette*. (*Vide* Government Resolution No 8116, dated 13th September 1913, Revenue Department.)

6. The inhabitants of Forest villages and wild tribes may take and remove for their own use and also for sale and barter, without permit and without fee, all minor forest products, except—

(1) harda, beheda, mhowra flowers, earth, stone, sand, muram, laterite ;

(2) minor forest products reserved for exploitation.

B.—In Reserved Forest classed as Forest Proper

7. The inhabitants of a Forest village may take and remove for their own use only, but not for sale or barter, without permit and without fee—

(a) Brushwood to be cut only in accordance with the rules sanctioned in Government Resolution No. 7892, dated 25th August 1913, Revenue Department, which are given under IV below.

(b) Fallen deadwood (except teak, tivas, blackwood and khair, save with the special permission of the Divisional Forest Officer).

8. The inhabitants of a Forest village may take and remove for their own use only, but not for sale or barter, without fee, on permit issued by the Round Guard within whose round the village is situated, earth, stone, sand, muram, laterite.

9. Wild tribes may take and remove—

(a) For their own use, and also for sale or barter, without permit and without fee, fallen deadwood except teak, tivas, blackwood and khair.

(b) For construction or repair of their huts without fee on previous permission in writing of the Divisional Forest Officer, wood of the common descriptions, i.e., other than teak, blackwood and sandal wood.

C --In Reserved Forest classed as Pashun and in Protected Forests

10. In addition to the privileges granted in orders 6 to 9 the inhabitants of a Forest village may for their own use only, but not for sale or barter, without permit and without fee, lop the side branches in accordance with the Rule sanctioned by Government Resolution No. 1929 of 2nd February 1909, Revenue Department but not pollard (i.e., cut the leading shoot) of all trees except teak.

D --In Reserved Forest classed as Forest Proper or Pasture

11. The orders do not apply to land in Forest assigned for dahi cultivation. The rules for the preservation of trees and lopping of tahal in such lands as sanctioned in Government Resolution Revenue Department, No. 6125, dated 19th June 1908, are as given below:—

Within the plots given for cultivation 20 trees of 12 inches and upwards in girth at breast height, per acre, must be permanently preserved as well as all mango, jack-fruit and mohu. All other trees may be cut for clearing the land for cultivation or lopped for tahal, but on no account whatsoever may the wood of such trees be removed for sale or barter,—the wood must be handed over to the Forest Department for disposal.

When lopping for tahal in accordance with this permission, only side branches may be cut, leaving main shoot untouched. In order to keep up the supply of tahal for rab, seeds of tahal yielding species must be sown yearly in all uncultivated portions of the land assigned for in-forest cultivation.

II.—Departmental orders approved by Government regarding Forest working and the supply of Local Wants.

A—Forest Proper.

1. In these orders words defined in the Privilege Code orders have the same meaning as in that Code.

2. In each block a cutting shall be prepared for sale in each year.

3. In Kajjat and Khalapur compartments shall be prepared for sale in regular rotation.

4. Cuttings or compartments prepared for sale shall, if possible, be sold so that the purchaser may commence felling the coupe not before the 1st September and shall complete it before 1st April following, and complete the removal of the material by the 1st May following.

5. The contractor (purchaser) shall first trace the coupe along its boundaries, and shall during the exploitation of the coupe be responsible for fire not occurring in or entering into the coupe, for cattle not being permitted to graze within the coupe; and for protecting from injury the standards (if any) and the coppice and seedlings in the coupe.

6. (1) The contractor (purchaser) shall not remove from the coupe—

(a) All material lopped which is less than 6 inches in circumference at the butt end (*i.e.*, at the point of separation or lopping).

(b) All material felled which is less than 6 inches in circumference at the surface of the ground and shall offer no impediment or obstruction to the removal of such material by the persons entitled thereto under the Privilege Code.

(2) In case of dispute the circumference shall be measured with a 6-inch tape by the Forest Officer within whose charge the coupe is situated.

(3) In the coupes of the year, brushwood which is not actually lopped or felled may also be taken by the persons entitled thereto under the Privilege Code, and the contractor (purchaser) shall offer no obstruction or impediment thereto.

7. If a compartment offered for sale is not sold, or if for any other reason the felling of a compartment which is due for felling is postponed, the Collector and Conservator shall recommend for the Commissioner's sanction measures for supplying the requirements of the persons entitled under the Privilege Code to brushwood, such measures extending, if necessary, to permitting such persons to enter such compartment and cut and remove the brushwood to which they would have been entitled if the compartment had been sold.

8 Except when special circumstances render advisable departmental fellings, fellings shall be by contract sold by auction or tender.

9 A coupe shall ordinarily be closed for ten years dating from 1st July of the year in which exploitation has been made

10 Except as provided in order 9, no Forest area may be closed without the sanction of the Collector

11. The Divisional Forest Officer may grant the permission to exercise any privilege in a closed Forest as provided in order 2 of the Privilege Code

12 No person will be permitted to enter a closed Forest area except—

(1) Persons exercising rights recorded by the Forest Settlement Officer

(2) Persons permitted under order 11.

B—In all Classes of Forest.

13 Subject to the privilege named in the Privilege Code Order 6, the Forest Department may exploit any minor forest products—

- (i) for which a trade demand may exist, or
- (ii) for which a trade demand may reasonably be expected to be in time created, or
- (iii) the collection and manufacture of which it is for purposes of Forest conservancy necessary to keep under effective control

Provided that in case of (i) and (ii) exploitation shall be limited to localities—

(a) in which the products are produced in sufficient abundance,

(b) which are sufficiently accessible to be worth working.

The Revenue and Forest District Officers conjointly shall decide each year—

(1) What minor forest products to exploit,

(2) In what manner and subject to what conditions they shall be exploited.

Provided that they shall have regard to

(a) The provisions of clause (2)

(b) The absence of anxiety on the part of Government to make a revenue from minor forest products
Differences between Revenue and Forest District Officers shall be referred through the Conservator to the Commissioner for the latter's final decision.

III.—Instruction by the Collector of Kolaba for working the Privilege Code and the Departmental Orders approved by Government.

1. In the Privilege Code and the Departmental Orders—

(a) "closed" means closed by order of competent authority against grazing and against the exercise of any privilege except on the previous permission in writing of the Divisional Forest Officer;

(b) "open" means open to grazing and to the exercise of privileges without special permission from any Forest Officer,

(c) a "block" is a forest area which constituted a block or group in the Forest working plans;

(d) "brushwood" means and includes—

(i) all species of plants of ligneous growth—live or dead, which have stems not more than 6 inches in girth at the butt end, except those that are from time to time declared by the Collector, with the advice of the Conservator and subject to the control of the Commissioner, to be excluded from this definition,

(ii) the twigs and branches of trees that have been lawfully felled or have fallen naturally, such twigs and branches being not more than 6 inches in circumference at the point of separation from the tree or branch;

(c) "minor Forest products" means such Forest products as are from time to time declared by the Collector with the previous sanction of the Commissioner to be minor Forest products

2. For the present and until otherwise ordered the following is the list of Minor Forest Products :—

list of Minor Forest Products (approved by Commissioner, Southern Division).

Fruits, seed-pods and seeds.

Shukela

Leaves and bark—

(a) when separated from the tree of which they formed part,

(b) when they form part of a plant not being a tree

Peat surface soil, rock and minerals, including lime-stone laterite mineral oils and all products of mines or quarries. Wild animals and skins, tusks, horns bones silk cocoons, honey and wax and all other parts or produce of animals

Flowers including mhowra flowers

Plants not being trees and all their parts and produce

Lat.

3. The Minor Forest Products reserved for exploitation will be notified yearly in each range under orders from the Divisional Forest Officer

4. For the present and until otherwise ordered, the following is the list of plants excluded from "brushwood" under Instruction 1 (d) (i) Sag, Sissu, Dhavda, Jamba, Moho, Mango, Harda, Khan, Shivni, Dhanni, Apta, Tomburni, and the leading shoots of Am Heri, Yehela or Beheda, Kinjal, Kalamb, Jambul, Nana Bouda (vide Government Resolution No 7892, dated 25th August 1913, Revenue Department)

5. The exercise of the privileges permitted to wild tribes (Code orders 6 and 9) will be allowed to those persons only who obtain each year from the Divisional Officer a certificate that they fall within the definition of "wild tribe" (Code order 1 (c)). Beat and Round Guards and all Forest Officers will deal according to law with persons unprovided

with such certificate who are found exercising the privileges granted to the wild tribes. Any person claiming to obtain such certificate must apply (not necessarily in writing) to the Divisional Forest Officer. The certificate will be issued in the form of metal ticket stamped with the letters W T. and will not be transferable. Each such ticket will bear a serial number and a register shall be kept showing the name and other particulars of the persons to whom the ticket has been issued.

6. Persons exercising the brushwood or deadwood privileges (Code orders 7 (a) 7 (b), 9 (a) and 10) may carry with them into the Forest a *lota*, but will not be permitted to carry with them in the Forest an axe, hatchet or saw. Any such implement found in the possession of any person while in the Forest will be taken from him by the Forest Officer and placed in charge of the Police Pátíl; the Forest Officer will report to his superior, and the implement will not be returned to the owner without the order of the Collector, who will also pass such order as he may deem necessary regarding the continued exercise by the person in fault, of the deadwood or any other privilege in Forest.

IV—*Tahal lopping Rules in Forest Proper.*

(Sanctioned in G R., R. D., No 7892, dated 25th August 1913.)

1. Tahal may be lopped in open Forests only, on no account whatever may tahal be lopped in closed forests.

2. The following kinds of trees are not to be lopped at all; they are entirely reserved and may not be lopped for tahal:—

- | | | |
|---------------|------------|--------------|
| 1. Teak. | 5. Dhavda | 9. Shivani. |
| 2. Blackwood. | 6. Harda | 10. Jamba |
| 3. Mango. | 7. Khair. | 11. Apta. |
| 4. Moha. | 8. Dhamui. | 12. Temburin |

3. All other trees and shrubs which have stems measuring not more than 6 inches in girth at the butt end or near the ground may be cut for tahal according to the following Rules:—

(1) Where several stems spring from the same root or stump the best of such stems with all shoots from it must be left untouched, but all other shoots from the root or stump or from the ground within

a yard* of the untouched stem may be cut down to the ground

(ii) No stem growing singly may be cut or its side shoots lopped, unless it has an untouched stem growing within a yard* of it

(iii) The following shrubs or bushes which do not grow into trees may be cut clean for tahal without keeping a leading shoot—Karawand (*Carrisa Carandas*), Ukshi (*Calycotenis floribunda*), Phangli (*Pogostemon parvi-florus*), Dhanti (*Woodfordia floribunda*), Ghaneri (*Lantana*), Kevni (*Helicteres isora*), Nivdunga (*Euphorbia nerifolia*)

1 When coupes are sold for felling by Government, all the branchwood of 6 inches and under in girth at the butt end may be cut and removed for tahal

5 In the Forest areas used for tahal lopping, seeds of injali species suitable for tahal should be sowed under cover of bushes as soon as rain begins to fall in the month of June every year. It is useless sowing the seed broadcast,—they will be washed away by the first heavy showers of rain. The seeds must be put in the ground and under the shelter of bushes so that cattle may not injure the seedlings

4. Rules regulating forest privileges in the North and South Tapti Forests of East and West Khandesh Districts.

East and West Khandesh Privilege Rules

1. For the purposes of these rules North Tapti villages include those comprised in the—

Taloda Taluka	Shirpur Taluka
Shahada Taluka,	Yaval Taluka.
Chopda Taluka	Raver Taluka
Navapur Petha of the Nandurbhar Taluka.	
Deonogra Reserve in the Nandurbhar Taluka	
The village of Umapata in the Sakri Taluka.	

South Tapti villages include those comprised in the—

Blusaval Taluka (with Edlabad Petha).
 Jumnar Taluka
 Jalgaon Taluka
 Erandol Taluka.

* This should be translated in Marathi, "1½ hat "

Amalner Táluka (with Párola Petha).

Páchora Táluka (with Bhadgaon Petha).

Chálishgaon Táluka

Dhulia Táluka

Sindkheda Táluka

Nandurbár Táluka (with the exception of the Deomogra Reserve and the Navápur Petha).

Sákrí Táluka (with the exception of the village of Umarpáta)

2 In North Tápti Tálukas all permanent inhabitants of villages which have contributed land to forest shall have the privilege of—

(1) free grazing for their own cattle ;

NOTE.—This does not apply to professional graziers

(2) cutting and removing grass including baru from open forest, or such portions of closed forest as the Divisional Forest Officer may permit ,

(3) collecting dead-wood other than teak, khair and tawas from open forest, or such portions of closed forest as the Divisional Forest Officer may permit ,

(4) removing earth and stone from places assigned by the Divisional Forest Officer ,

(5) and taking teak leaves, when the same are required for their own use ,

(6) in addition to the above. Bhils and other wild tribes being permanent inhabitants of villages which have contributed land to forest are granted the privilege of collecting for sale or barter dead-wood of any but the three reserved kinds, on payment of two annas per headload, from open forest or such portions of closed forest as the Divisional Forest Officer may permit.

3. In South Tápti Tálukas permanent inhabitants of villages, which have contributed land to forest, have the following privileges —

(1) cutting and removing grass including baru from open forest, or such portions of closed forest as the Divisional Forest Officer may permit ;

(2) collecting dead-wood other than teak, khair and tiwas in such forests as the Divisional Forest Officer may permit,

(3) removing earth and stone from places assigned by the Divisional Forest Officer,

(1) and taking teak leaves,

when the same are required for their own use.

4 Throughout Khândesh, Bhils Vanyâris and other wild tribes may—

(1) cut and remove grass including barn,

(2) take leaves other than Anjan

for their own use sale or barter from open forest or such portions of closed forest as the Divisional Forest Officer may permit

NOTE.—Where a monopoly has been granted of grass or leaves sale can only be permitted to the monopolist.

(3) remove other minor produce in such quantities and on such conditions as the Collector and Divisional Forest Officer jointly may permit

(Government Resolution No 1409 of 5th May 1911.)

5.—Special rules regulating the enjoyment of certain rights.

Rules regulating enjoyment of rights in Savda, Chopda and Shurpur Talukas of Khândesh

The following rules regulate the exercise of certain rights granted to certain Bhils over the reserved forests of the Savda, Chopda and Shurpur Talukas —

(a) SAVDA AND CHOPDA TALUKAS, KHANDESH

Right to cut wood

Savda and Chopda Talukas only

(1) The persons specified in the register mentioned in Rule 6 below and members of their households shall be entitled, subject to the limitations there stated against their names, to cut for all purposes all but the nine kinds of trees noted below —

Teak, blackwood, anjan khair tiwas, babul, mhowra, charoli, mango.

(2) Such right shall be exercised in all parts of the reserved forest (as constituted prior to 1883), except—

(a) in such areas as may be closed by the Collector after consultation with the Divisional Forest Officer,

(b) in the months of March, April and May.

(3) Every right holder shall be supplied by the Forest Department with a ticket bearing a serial number and showing his name and nature of the right to which he is entitled.

(4) Before going into forest with a view to cutting trees in the exercise of his rights, a right holder shall apply to the Forest Depot Officer for a permit, which the latter shall be bound to supply to him on payment of such fees as may be settled by the Collector after consultation with the Divisional Forest Officer.

NOTE.—The fees to be enforced for the present shall not exceed those now in force for the general public.

(5) The transit of all timber obtained under these rules shall be regulated by the rules under section 41 of the Indian Forest Act.

(6) A register shall be kept by the Divisional Forest Officer showing the names of all persons entitled to cut timber or to the enjoyment of other rights under these rules; such register shall be corrected up to date at least once in every twelve months.

NOTE.—The head of each resident household directly descended from an original granteo, person or family only need be entered in the register. No attempt should be made to limit heirship to lineal male descendants or any other particular class.

(b) CHOPDA TALUKA, KHANDESH.

Right to gather mhowra.

Chopda Taluka only

(7) The persons specified in the register mentioned in Rule 6 shall be entitled to gather mhowra blossom and flower for all purposes, free of charge, *subject to Rules 2 and 3.*

(c) SHIRPUR TALUKA, KHANDESH.

Right to gather firewood.

Shirpur Taluka only

(8) The persons specified in the register mentioned in Rule 6 shall be entitled to collect, for firewood for their own use only, dead-wood of all kinds except teak, tinas and khar, free of charge, *subject to Rules 2 (a), 3 and 4.*

Right to building material.

(9) The persons specified in the register in Rule 6 shall be entitled to cut free of charge all trees, except the following nine kinds, for the purpose of building huts for

their own use —teak, blackwood, anjan khair tiwas, habul, mhowra, chárohi mango, *subject to Rules 2 (a), 3 and 4.*

(10) Any person wishing to exercise this right shall apply to the Range Forest Officer stating the nature and quantity of the wood required, the latter, after satisfying himself that the wood is required for the applicant's own use and for the object stated shall grant him the necessary permission to cut the wood

*Collection of minor forest produce**

(11) The persons specified in the register mentioned in Rule 6 shall be entitled to gather, free of charge, for all purposes such of the following articles of jungle produce as may be shown against their names in the said register — honey, wax, gum, lac, tembu fruit safed musale, mhowra flowers, mango and tamarind, *subject to Rules 2 (a) and 3*

Right to grazing

(12) The persons specified in the register mentioned in Rule 6 shall be entitled to graze, free of charge, the number of cattle shown against their names in the register, *subject to Rules 2 (a) and 3.*

(13) The Collector may suspend for a period not exceeding 12 months the exercise of any right on his being satisfied that it is being abused or that it leads to an offence under section 78 of the Indian Forest Act being committed.

(14) The ticket issued under Rule 3 shall be non-transferable, any right holder fraudulently transferring his ticket to another person, shall be liable to be dealt with under Rule 13.

NOTE.—The rights to be exercised under these rules must be held to exist only in the forest lands with which Messrs Pollen and Woodburn actually dealt

Government Resolution No 2042, dated 8th March 1893.

The farming of the right to purchase from the Bhils apta and tembhurni leaves in the East and West Khándesh Districts is sanctioned, provided a minimum price to be paid by the farmer is fixed (Government Resolution, Revenue Department, No 9429, dated 17th September 1908)

Sale of
the right
to remove
grass from
Navapur
range and

Government agree with the Commissioner that a contract, properly worked, will be of benefit to the forest villagers. They consider, however, that if there is to be a monopoly there ought to be a condition as to a minimum price

to be paid by the contractor to the grass cutters for grass brought to his depots. It may be difficult to enforce a minimum price, but if there is no such condition it would not be possible to justify a monopoly. Government are also of opinion that there should be a condition regarding the supply to Government of any grass required for famine fodder operations and the Conservator should frame such a condition in consultation with the contractor subject to these orders the sale by auction of the right to remove grass from the Navapur Range and the Deomogra reserve of the West Khandesh District is sanctioned. (Government Resolution, Revenue Department. No. 8941, dated 2nd September 1908.)

To secure better protection of the Satpura Forests Bhil Settlements at (i) Satrasan, (ii) Umarti, (iii) Karanje, (iv) Deozari in the Forests of the Chopda Range of the East Khandesh Division have been sanctioned. Twenty-three families of Bhils and two Forest Guards at each of these Settlements have been established and put in possession of 10 acres of land each. Twenty-five plots have been made available for the above purpose from the forest area.*

6. The following instructions for the regulation of the concession of collecting anjan leaves granted in times of famine and for the prevention of its abuse are sanctioned by Government and are applicable to the anjan forest of any village approved by the Commissioner, C D., in any district of his division —

(I) The concession of collecting anjan leaves in Government forests is useful for saving cattle during scarcity of fodder and should be granted in times of famine under certain restrictions

(II) The Collector of the district should, on the recommendation of the Divisional Forest Officer, prohibit the gathering of the leaves in any forest, the injury to which from the gathering, would, in the opinion of the Collector, be so serious as to outweigh the advantage of the concession to the people and their cattle.

(III) The concessionaries should only be allowed to pull off the leaves and that tearing down, cutting or sawing of branches, so as to get at the leaves, should be prohibited.

(IV) During the period the concession is in force the carrying of cutting or sawing instruments in forests, except

* Government Resolution No. 10977, dated 2nd December 1910.

along rights of way, without the permission of an officer, authorized by the Divisional Forest Officer, should be prohibited

(V) The privilege should, with the joint approval of the Collector and Divisional Forest Officer or if they do not agree, with the approval of the Commissioner be withdrawn from any person or village

(VI) Without the special sanction of Government the concession should not be allowed before the 1st October or after the 1st April and that subject to this proviso the agreement of the Collector and the Conservator should be sufficient warrant for granting the concession and in case of disagreement the subject should be referred to higher authority

(VII) One or two gangs of guards (say a Round Guard and four Beat Guards to a gang) should be told off in each Range to do nothing else but go in company together from forest to forest to prevent the breaking and cutting of branches, to apprehend offenders and to report at once when any considerable damage is found in any forest, that in any case in which such considerable damage is found the village officers should be reported *at once* to the Collector for punishment, if they have not themselves reported the damage, and that if the Divisional Forest Officer thinks necessary he should also request the Collector to authorize the concession in the village to be stopped at any rate for a month or two (Government Resolution Revenue Department, No 8231, dated 25th November 1901)

NOTE.—The Commissioner, Central Division is authorised to grant with the concurrence of the Conservator, C. C., the concession of removing anjan leaves in times of famine between 1st April and 30th September

(Government Resolution No 8885 dated 3rd October 1910)

7.—Rules in force in Thana and Kolaba Districts for the regulation of cutting wood-ash material

(a) *In Reserved and Protected Forests*

(1) The inhabitants of forest villages may take free of charge from the open portion of the block in which their forest is included and with the permission of the Divisional Forest Officer and on condition of aiding in the protection of forests, from the closed portion of the same, grass, reeds, and leaves, other than *temburni* (*Diospyros melanoxylon*) and *Apta* (*Bauhinia racemosa*) leaves.

(ii) They may also under the same restrictions cut for wood-ash material the thirteen varieties of shrubs noted below,* and generally all brushwood of no value for any other purpose. But unless under special concession, the possible necessity for which is noted in the fourth clause, no trees of any description are to be lopped in Reserved Forests.

* Korinda (<i>Carissa diffusa</i>)	Ukshu (<i>Calycopteris floribunda</i>)
Babli	Kuda (<i>Wrightia</i>).
Kalakuda (<i>Wrightia tinctoria</i>)	Gometi
Kerm (<i>Eleuteria indica</i>)	Toni
Bhum jambul	Bhokar
Atharun	Kude.
Mistodi	

(iii) Inhabitants of forest villages in which auctioned coupes are situated and of the neighbouring villages which have contributed forest to that block of which the coupe is a part are permitted to take and remove free of charge for firewood or wood-ash manure all the twigs, branches and shoots or wood not exceeding six inches in girth at the butt end proceeding from the trees that have been felled or lopped under supervision.

(iv) If the coupe of the year in any block in a settled taluka remains unsold and unexploited during that year special arrangement such as allowing the people entitled to enter the coupe and cut the 6" material of the trees under supervision, will be made, in order that the supply of wood-ash material and firewood, etc., may be forthcoming. (Government Resolution, No 7107, dated 6th September 1892, paragraph 1, rule 22 Millett's Book of Orders in force in Thana.)

(b) *In Protected Forests Only.*

In addition to the foregoing privileges inhabitants of villages in which there are Protected Forests may, in the unclosed portions of these forests, lop and remove the side branches, but not the leading shoot, of all except the 24 varieties noted below —

Teak	Tectona grandis
Blackwood	Dalbergia latifolia
Bamboo	Bambusa
Ifed	Adina cordifolia.
Kalam	Stephegyna parvifolia.
Asana	Bridelia retusa
Bibla	Pterocarpus marsupium.
Khair	Acacia catechu

Shivan	Gmelina arborea
Tivas	Ougeima dalbergioides
Koshumb	Schleicheria tinjuga
Jambha	Xlyia dolabriformis
Kinjai	Terminalia paniculata
Kinai	Albizzia procera
Humbh	Saccopetalum tomentosum
Babul	Acacia arabica
Moho	Bassia latifolia
Mango	Mangifera indica
Tamarind	Tamarindus indica
Jambhul	Eugenia jambolana.
Phanas	Artocarpus integrifolia
Temburni	Diospyros melanoxylon
Palas	Butea frondosa
Apta	Bauhinia racemosa.

8—Special Privileges for Bhiwandi, Kalyan and Bassein

Special privileges in Bhiwandi, Kalyan and Bassein

In addition to the foregoing privileges the following additional concessions have been granted to the inhabitants of Bhiwandi, Kalyan and Bassein Talukas, respectively owing to the pressure of population and the agricultural needs —

Bhiwandi

The inhabitants of forest villages may lop and remove for wood-ash material the side branches of all trees but those specified below. The branches of saplings and young trees may also, if necessary be lopped, but in no case may the leading shoot be injured nor any branches large enough to serve as firewood, etc., over 3 inches in circumference at the butt be cut under cover of branch-loppings for wood-ash manure (Government Resolution No 5251, dated 1st July 1884)—

Teak	(Tectona grandis).
Blackwood	(Dalbergia latifolia).

Kalyan.

In Kalyan the inhabitants of forest villages may cut for ash manure the side branches, but not the leading shoots of all trees growing in Protected Forests except those noted below.—

Teak	Tectona grandis
Blackwood	Dalbergia latifolia,

Tiwas	..	<i>Ongeunia dalbergoides.</i>
Mango	..	<i>Mangifera indica.</i>
Khair	..	<i>Acacia catechu.</i>
Kalam	..	<i>Stephegyne parvifolia.</i>
Bibla	..	<i>Pterocarpus marsupium.</i>
Asana	..	<i>Bridelia retusa.</i>
Koshimb	..	<i>Schleichera trijuga.</i>
Hed	..	<i>Adina cordifolia.</i>

(Government Resolution No. 3890, dated 14th May 1885.)

Bassein.

In Bassein in consequence of the small area of available bush-land the inhabitants of the 13 villages noted below are permitted to cut the branches not being the leading shoots, or above 3 inches in girth of all trees other than teak blackwood, sandalwood and fruit trees, in one-third of the Reserved Forest area of each village or part of a village—

Naringi.	Kanhero W.
Nilomone.	Shirgaon.
Dhániv.	Chandavsar.
Virar	Dhaisar
Achole.	Churne.
Pelhar.	Hednd.
	Khanivdc.

The limits within which this privilege may be exercised will be fixed from time to time by the Divisional Forest Officer. The inhabitants of forest villages may also in Protected Forest lop, for material for ash manure, the side branches not exceeding 3 inches in girth, of all trees except teak, blackwood, sandalwood and fruit trees subject to the conditions that the leading shoots shall be kept intact.

(Government Resolution No. 5919, dated 22nd July 1885.)

APPENDIX VI.

[Article 461.]

Circular of the Government of India regarding grants of timber and other forest-produce from State forests for the construction of works of public utility.

Revenue and Agriculture Department, Circular No. 8-F., dated Simla, the 21st May 1895

There have recently been referred, for the orders of the Government of India, several proposals to grant timber from State forests, either free or at favourable rates, for the construction of works of public utility. In disposing of such proposals, each case must necessarily be dealt with

on its merits. But the Government of India think that it will be convenient to indicate the general principles in accordance with which these merits will be weighed, and with reference to which such proposals should be framed. I am directed, therefore, to communicate, for information and guidance, the following observations and orders.

2. When a grant of the nature under discussion is proposed as one of the terms of a concession, the first question that arises is whether the proposals of which the grant forms a portion are or are not unnecessarily liberal. In order to assist the Government of India in deciding this question, the approximate money value of the proposed grant should invariably be stated. The Government of India are inclined to think that such grants have, in some instances, been proposed without sufficient consideration. Large timber requires a long period for its production, its cost to Government and its selling value are considerable; and it should not be readily surrendered on any large scale.

3. When the above question has been decided, there remains the further question whether it is advisable that a portion of the concession should take the form of a gift by the Forest Department of what is worth money to them. And this question arises in those cases also in which the work is to be constructed by Government.

4. In the Resolution of the Government of India in the Department of Finance and Commerce, No. 4145,* dated 28th July 1888, it is laid down that the Forest Department is to be considered as one of the *quasi* commercial Departments which are to be remunerated for services rendered and for produce supplied; and, in pursuance of this principle, it has been held that it is ordinarily debarred from making free grants even to other Departments of Government. When, therefore, the Forest Department will not benefit by the work that is to be constructed, no grant is ordinarily admissible, ∴ .

5. But when, as is often the case, the work in question will be of real assistance in the development of forest revenue by affording a new or improve exit for produce or means, of placing it on the market, there appears to be nothing in the *quasi* commercial basis of the Department which need prevent its contributing to the construction of the work (such contribution being duly taken into account in settling

* Reproduced from Article 95 of the Civil Account Code—vide Appendix XXII of the Bombay Forest Manual Vol. I.

the terms) in such manner as may be most convenient to both parties.

6. When once the terms of a concession have been sanctioned by Government and accepted by the concessionaire, no grant can be sanctioned without a full equivalent as that would be a modification of the terms of the contract, against the interests of Government.

7. In cases, however, where a special grant of timber free or at favourable rates is not admissible under the principles thus laid down, it does not always follow that Government should take advantage of the necessities of the case to exact for their timber growing on the spot the highest rate which it would cost the constructors of the work to bring wood from the nearest private source of supply. In the case of railways, tramways and the like, which, even though they may be of no immediate use to the Forest Department, develop the country and benefit the public, a reasonable liberality may fairly be exercised. In such cases the timber standing on the land which is made over to the constructors may always be sold to them at favourable rates, or, if its value is insignificant, be given to them altogether. And such additional timber as may be required for purposes of construction should be sold to them at rates which represent a fair and reasonable mean between the value of the timber as it stood before the commencement of the work increased the local demand for it and the high price which they might be prepared to pay, rather than be compelled to bring their supply from a considerable distance.

8. The existing rules which regulate the free grant of forest-produce will be found in section* 107 of the Forest Code. The Government of India have, however, decided to extend the discretion therein allowed to Local Governments, and the section will be recast in the form† appended to this letter. The grants dealt with in this section are special grants for specific purposes. Those general forest concessions in favour of villagers, agriculturists, and the like, which have recently formed the subject of a Resolution‡ in this Department, are beyond the scope of the present communication.

* Article 401 of this Manual

† Subsequently modified and therefore omitted.

‡ Circular No. 22 F., dated 19th October 1894. (Article 257 of this Manual.)

SUB-APPENDIX A.

*Revenue and Agriculture Department Circular No. 7-F.,
dated Simla, the 20th May 1903.*

I am directed to invite attention to paragraph 7 of Circular No 8-F., dated 21st May 1895, which deals with the supply of timber and other produce from State forests for works of public utility.

2. The Government of India recognize that much has been done in recent years by the Forest Department to develop a market for its produce, and to endeavour to meet the demand created by the extension of railways and by works of private enterprise. But cases have occurred in which railways have been unable to utilize timber which was available in the Government forests through or near which they passed, and in one particular instance it has been ascertained that the sleepers were actually imported from a distant part of India and from Australia, though suitable timber existed in Government forests immediately adjacent to the railway. In view of these facts, it seems desirable to invite attention to the principles which should guide the Forest Department in such matters, in order to prevent the recurrence of similar cases.

3. The orders of 1895 refer to construction only, and relate only to the forests adjoining railways in course of construction. Their guiding principle is that, in the case of timber required for works which will develop the country and benefit the public, the price charged by the Forest Department should be a reasonable mean between the local value of the timber as it stood before the commencement of the work increased the local demand, and the price which the railway would have to pay to obtain it elsewhere. The future value of the timber is to be expressly excluded from consideration. Interpreted with the reasonable liberality which was enjoined, the principle enunciated is a fair one. But the cases indicated in the preceding paragraph show that its meaning has been imperfectly apprehended, one of the results being a loss of business to the Forest Department.

4. But apart from the special case of construction, and in the case of ordinary sales where it is permissible for Forest officers to take the future value of the timber into consideration, it seems desirable to point out that its value is to be estimated, not at what it has cost to produce but by the price it will command either at the time or in

the immediate future, since whatever an article may have cost, it is worth no more than it will fetch in the market. And it has further to be remembered that timber is perishable, so that sale at a low price is preferable to letting the wood perish in hopes of a future higher price, and that timber is reproducible so that nothing but the certainty of good prices in the immediate future would justify the holding over of unsold timber in preference to the acceptance of lower rates.

5. It may not always be possible for the Forest Department to compete in the open market with private sellers, such, for instance, as the owners of private zamindari forests who have no regard to the future of their forests and who look only to immediate profits. In such cases, competition is often impossible as long as the private supply of timber holds out. But such cases are exceptional ; and the general principle to be borne in mind is that it is as much the duty of Forest officer to dispose of his produce as it is to produce it. It does not follow, because a certain price has been obtained for part of the stock, that the disposal of the remainder at a lower price is necessarily undesirable. If the entire supply which is available can be sold at the higher price within a reasonably short interval, it is of course right to defer sale ; but unless this is the case, sale at a lower price is desirable in order to secure the disposal of the stock, provided only that the price is remunerative. And in determining that question the cost of the normal forest establishment, which must in any case be maintained, should not be taken into account. If the cost of the establishment actually utilized for the extraction of the produce is covered, any further receipts for timber or other produce which would otherwise be unsaleable are to be counted as profits.

6. In conclusion, it may be pointed out in connection with the supply of timber to Railway Companies, that it is unnecessary and probably undesirable for the Forest Department to undertake departmental operations when sleepers are obtainable from contractors who fell and convert them in the forest. But in such cases much may be done by the Forest Department to assist other Government Departments by bringing these men into touch with the railway and other purchasers of produce with the view of supplying their demands. It should not be forgotten that the fact that a Department is managed on commercial lines does not relieve its officers from the duty of assisting other Government Departments and other undertakings for the development of the

country which are being conducted under the sanction of Government, in every way that is consistent with their duty to their own Department.

APPENDIX VII.

[Articles 58 of Vol I and 478 of Vol II]

Rules for the issue and execution of permits for Forest Produce

Section A.—Permits for Firewood, Bamboos and other Minor Produce.

1. Wherever possible such permits should be primarily issued in the range office or secondly by Round Officers and lastly, in unavoidable cases where the people are likely to be inconvenienced, by Naka Guards in form No. 15A. Where the naka is situated close to the range office, and the range and round head-quarters are the same, the permits should be issued only from the range office.

2. The maximum period to be allowed for each permit is three days if the forest is within five miles and seven days if the forest is beyond that distance from the residence of the Permitdar.

3. A purchase certificate in the Form No 15B should be given to the Permitdar and the permit sent straight to the Beat Guard concerned.

4. The Permitdar shall present the chit to the Beat Guard and, with his knowledge, enter the forest and remove the material within the time stated in the chit, in both cases endorsement being made by the guard on the reverse of the chit, thus.—

‘*Dákhāl Táríkh*’

5th June 1915

(Sd.)

Beat Guard

‘*Tapás Táríkh*’

7th June 1915.

(Sd)

Beat Guard.

5. The Beat Guard should enter the chit, or the permit, whichever he receives first, in the *hathkharda* which he keeps in the Form-Press No. 21—and enter the ‘*dákhāl táríkh*’ and ‘*tapás táríkh*’ on the reverse of the permit as on the chit.

6. If the purchase certificate is not presented to the Beat Guard within the period stated in it, the permit

officer may renew it once. He should, before writing the renewal endorsement on the permit, satisfy himself that the delay was unavoidable. Any further renewal after the first shall be sanctioned only by the Divisional Forest Officer on payment of the renewal fee at the rates mentioned below :—

When the amount of the permit—	Annas
is Rs. 10 and under	.. 2
over Rs. 10 upto Rs. 20	.. 4
over Rs. 20 upto Rs. 50	.. 8
every Rs. 50 or fraction over Rs. 50	.. 8

7. If the purchase certificate is presented before the permit has reached the Beat Guard, he should, unless for good reasons he believes the chit to be spurious or not in order, indicate the produce therein entered without waiting for the permit, which he should obtain by report to the permit officer.

8. Refusal or inattention on the part of the Guard in making the entry of the date required by rule 4 should immediately be brought to the notice of the Ranger by the Permitdar.

9. Produce measured, weighed or counted and delivered must be removed from the forest within the time stipulated in the permit. Failing this, an extension of two or three days according to the distance of the forest stated in rule 2 may be allowed by the permit officer, on satisfying himself that the delay was unavoidable, on payment of a fee of one anna in the rupee of the seignorage value of the material to be removed. Any further extension after the first may be sanctioned only by the Divisional Forest Officer in the same manner as the first. If the produce be not removed within two extensions it shall be forfeited. Also if any produce be removed without the endorsements referred to in rule 4 on the purchase certificate shall be liable to confiscation.

10. Permits disposed of should be returned to the permit officer at the end of each month in which the produce is removed.

11. Excess produce unavoidably cut or otherwise damaged may be made over to the Permitdar at the rate at which the original permit was issued.

12. The permit, if unused during a period of two months from issue, shall be treated as lapsed, the Permitdar having

no claim to refund unless with the express permission of the Divisional Forest Officer.

13. The beats wherein the permits are executed should, as far as possible, be held by literate guards. Where unavoidably a beat is held by an illiterate guard, it shall be sufficient if he—

(1) draws a line across the permit thus / and signs the name on the reverse thereof in token of the '*dakhāl tārīkh*,' and

(2) draws another line across the first thus x/ and signs his name on the reverse below the first signature for the '*tapās tārīkh*,' as per rule 4, and, if he be the Round Officer,

(3) writes the *hātikhanda* referred to in rule 5 when he visits the beat during the month, before the permit are returned to the permit officer, as per rule 10.

14. Vernacular copies of the above rules should be struck on the cyclostyle and furnished to every permit officer. The contents thereof should be made known to every applicant, who should sign a declaration on the back of the first foil of the permit that he has read or known the rules about permits and will act accordingly.

Section B.—Permits for Timber.

Such permits except in Kanara are given only for free grants. The following rules are prescribed for the issue and execution of these permits :—

1. Permits for timber shall be issued only by the Range Forest Officer in Form No 15 and executed by the Round Officer.

2. The maximum period to be allowed in each permit is 10 days if the forest is within 5 miles and 15 days if the forest is beyond that distance from the residence of the permitdar. Cases of large timber permits where the above time is evidently insufficient should be referred for extension to the Divisional Forest Officer.

3—8. The rules 3 to 8 of section A also apply here with the substitution of the words 'Round Officer' for 'Beat Guard' occurring in them.

9—12. The rules 9 to 12 of section A apply here as they are.

13. Rule 14, section A, becomes rule 13 of this section as it is.

14. The following instructions in regard to the method of execution of timber permits should be observed:—

(1) Each permit should have a consecutive number marked on the tree;

(2) all timber should be stamped with S;

(3) trees marked shall be cut flush with the ground and the stools trimmed to an even surface and the squared log, if any, shall have sap wood left at the four edges;

(4) each tree of the permit also should bear a consecutive number and the year in which the permit was executed, thus $\frac{1/5}{1915-16}$, meaning the fifth tree of the permit No. 1 of 1915-16.

(5) the trees to be marked for any permit should be correctly estimated by the official concerned so that the actual outturn may not exceed the quantity entered in the permit by over $\frac{1}{4}$ th at the very outside.

Common to Sections A and B.

At least 50 per cent. of each class of permit executed in a range during one season shall be examined by the Range Forest Officer and noted at the end of his diary.

As far as possible trees given on permit or for permit purposes shall be dead or deformed and the system should be generally used to improve the forest and not to denude the place of the very best trees.

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Table showing the variations in the Second Edition of Standing Orders (Forests) as compared with the second Volume of the Forest Manual which takes its place

ABBREVIATIONS USED IN THIS TABLE.

S O	Standing Orders, Forests, 2nd Edition
P.	Part.
C.	Chapter
Ap	Appendix
A.	Article
S	Section of the Indian Forest Act
Pa	Paragraph
Cl	Clause
Sl	Serial number
T	Form
Pr	Power.
C S R	Civil Service Regulations
Sup	Supplement to the Civil Service Regulations.

N.B.—In Part I, which is Forest Act, of the Manual, Vol II, the paragraphs are termed 'Sections' and in the rest of the Parts 'Articles'.

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6	" 7	..
7 to 7 c	..	Ap. VIII	..
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8, 9 and 10	..	A. 29 (i)	..
11	..	A 21	..
12 and 13	Obsolete now that time scale of pay is in force.
13a	C S. R 752 and sup 512
14	..	A. 29 (i)	..
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16	Obsolete.
17	A. 29 (i)	C S. R 107 and 224.
18	Sup 321, 323.

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109	A 140
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114	A 131
115	S 29 (2)
116	Cancelled by G. R. No 143 of 6th January 1912
117	A 132
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121	A 291
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130a, cl. I re S. 4	" 7 (1)	Remaining clauses omitted since they are same as the sections of the Act.
130, Cl. I	" 7 (2)
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391	.. A. 159 (rule 16).	A. 51
392	.. "	" 25 (Ap. VI—5)
392a	.. P. VII, S. 2.
397	.. "	A. 6
394	.. A. 457 P. VII, sl 160.
395	.. "	C S. R., a 422, 423 (i) and 918 and Sup. a 605.
396a	.. "	C S. R., a 841. and Sup. A 500
396b	.. "	A. 90
396c	.. A. 181

Reference to			Remarks as to disposal otherwise
Standing Orders, Forests, 2nd edition	Forest Manual, Vol II.	Forest Manual, Vol I	
396d	P VII SL 106		.
396e		A 6	.
396f	P. VII, SL 219		.
396g	A 397	A 95	..
396h		.. 91	..
396i	A 364		.
396j	P VII, SL 170 with 69		...
396k		Ap XXI	.
396m	A 397		.
397		Ap V	.
398		A 173	.
399		.. 148 (2)	.
400		Ap V	..
401 to 403		Ap I	.
403a		A 203	.
404			Repetition of S. O. S 326 (1).
405	A 205 (rules 19 and 20)		....
406			Do 326 (2)
407		A 17	..
408		...	Almost obsolete Revision under consideration
409		A 28	.
410	A 270 (2)		.
411		A 148	.
412			Obsolete
413, 414		A 181	..
415		.. 211 (ii)	.
416, 417		.. 211 (iii)	.
418		.. 212 (i)	.
419		.. 210 and 211 (i)	.
420		.. 213	..
421			The form is abolished.
422			Obsolete
423, 424, 425		A 211 (iii) (13 to 15)	..
426		A. 213 forms 63 and 64
427		A 211 (iii) 16	.
428, 429		.. 211 (iii) C II 4 (a)	.
430		.. 211 (iii) C. III	.

REFERENCE TABLE.

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Reference to			Remarks as to disposal otherwise.
Standing Orders, Forests, 2nd edition.	Forest Manual, Vol II.	Forest Manual, Vol. I	
431	..	A. 211 (iii) C II, 3 (b)	....
132	..	F. 60	...
433	..	A. 211 (iii) G. II, 5 (ii)	...
431	..	A. 211 (iii), c II, 3 (a).	...
435	..	A. 213, f, 61 A. 211 (iii) C II, 3 (a).	....
436 to 438	..	A. 182	...
439, 440	A. 532	..	...
441	" 532—II	..	...
442	" 532 III	..	...
443	" 532 IV	..	...
444	" 532 V	..	...
445, 446	..	Ap. XX	..
447	..	A. 115	..
448 to 454	..	Ap. XIII	..
455, 456	A. 351
457	" 355
458	" 350
459	" 346
460	" 347
461	" 319
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463	" 372
464	" 374
465	" 360
466	" 301
467	" 302
468	" 363
469, 469a	..	Ap. IV	..
470	A. 500
471	" 507
472	" 508
473	" 470	..	...
474	" 464	..	...
475	" 489	..	...
476	..	A. 106 (c).	...
477	" 502	..	...
477a	" 503	..	...
478	..	A. 106 (b)	...
479	..	Ap. III.	...
480	..	A. 7	...
481, Pa. 10 to 18	A. 235	..	Obsolete
" 19	" 513	..	...
" 21	" 256	..	...
482	" 272	..	...
483	" 273	..	...
484	..	..	...

Reference to			Remarks as to disposal otherwise
Standing Orders, Forests, 2nd edition	Forest Manual, Vol II	Forest Manual, Vol I	
485	A 257		.
486	" 258		.
487	" 274		.
488	" 265		.
489	" 266		.
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491	" 268		.
492	" 269		.
493	" 270		.
494	" 260		.
495	" 270		.
496	" 261		.
497	" 262		.
498	" 100		.
499	" 102		.
500	" 405		.
501	" 312		.
502	" 277		.
503	" 278		.
504			Repetition of S. O S 237
505		Ap XXII	
I—Forms in use in Divisional Offices.			
1	A 250		...
2		F 45	.
3		A. 66 (Ap XVII)	.
4	A 125		.
5		F 71A	.
6		F 71B	.
7		F 39	.
8		F 41	.
9		F 39	.
10		" 72	.
11			Superseded by G. R. No 1 of 2-1-13
II—Forms for use in the Range Offices.			
12	..	...	Press No. 12
13	..	.	Cancelled as form No 4 of Forest Manual, Vol I, serves the purpose
14	..	..	Cancelled
15	..	..	Press No. 13
16	..	..	Cancelled
17	..	..	Press No 11.
18	..	..	Press No 15.
19	..	.	Cancelled being included in form No 37 of Forest Manual Vol I

Reference to			Remarks as to disposal otherwise.
Standing Orders, Forests, 2nd edition.	Forest Manual, Vol II.	Forest Manual, Vol. I.	
20	Cancelled being unnecessary as receipts for articles issued filed with form No. 16 of Forest Manual, Vol I, serve the purpose.
21	Press No. 16
22	..	F 80	..
23	..	F 81	..
24	C A. Code, F 12 and 43
25	F 82	..
26	..	F 17	..
III.—Forms issued in the submission of			Administration reports.
27 to 30	..	F. 51 to 51C	..
31 to 47	..	F 52 to 58	..
48	Cancelled
49	F 60	..
50	Cancelled.

SCHEDULE OF CORRECTION SLIPS RECEIVED AND POSTED.

Correction slips will be of two kinds :—

(a) for cutting and pasting;

(b) for manuscript correction ;

Corrections (a) will be cut and pasted.

Corrections (b) will be made in ink in the book and the number of correction slip marked by a figure in a circle or otherwise against the correction, the slips themselves being kept in a file, intact, in serial order.

No of slip.	Date of receipt	Initials of person by whom posted	No of slip	Date of receipt	Initials of person by whom posted